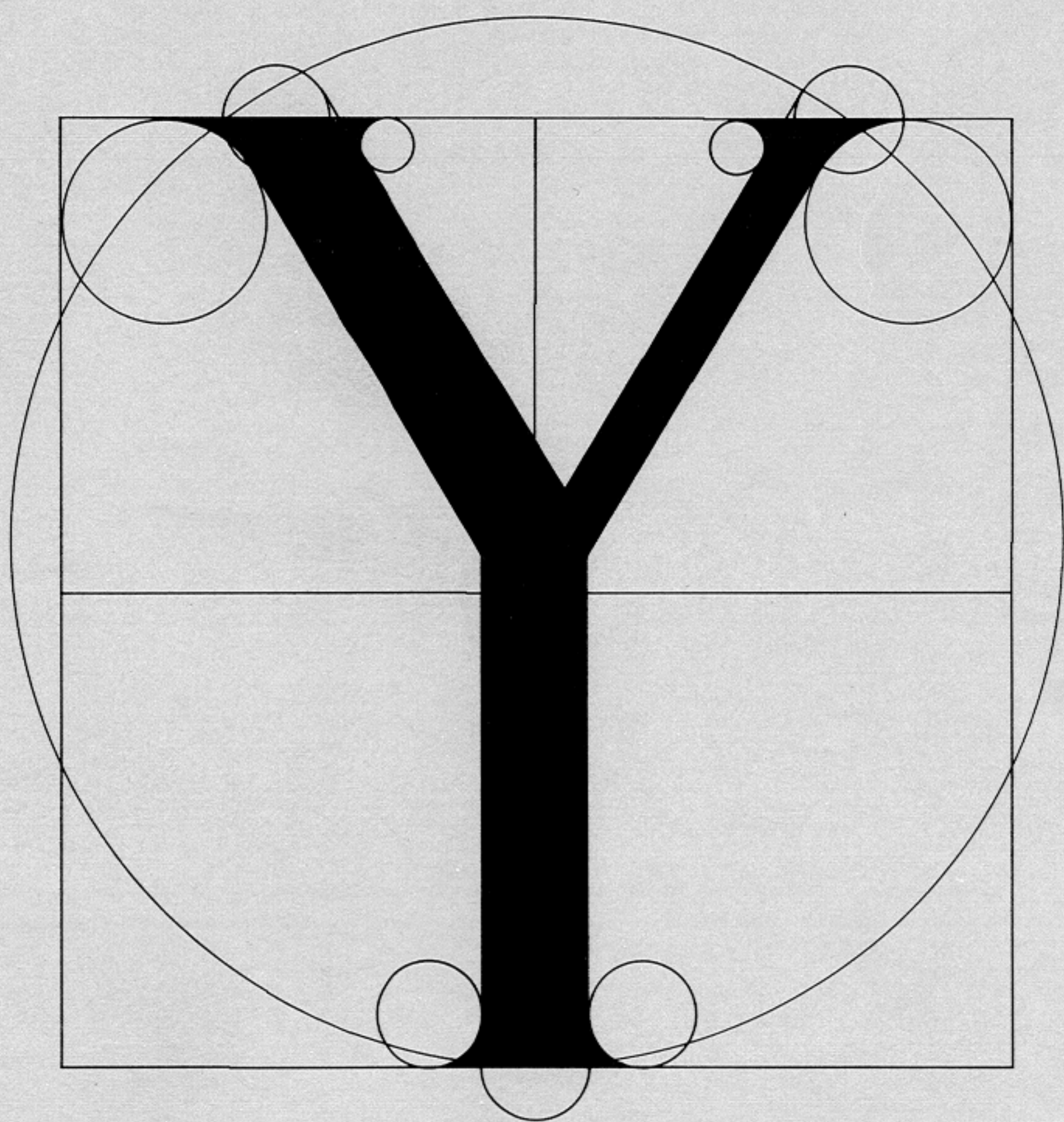


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## CONTENTS

A Map of Northwestern Missouri in the Late 1830s	2
“High Treason and Murder”: The Examination of Mormon Prisoners at Richmond, Missouri, in November 1838 STEPHEN C. LESUEUR	3
The Missouri Redress Petitions: A Reappraisal of Mormon Persecutions in Missouri CLARK V. JOHNSON	31
The Land Question at Adam-ondi-Ahman LELAND H. GENTRY	45
Mormon Bibliography 1985 SCOTT H. DUVALL	57
Book Reviews DAVID J. WHITTAKER, editor	
Gary James Bergera and Ronald Priddis, <i>Brigham Young University: A House of Faith</i> RICHARD D. POLL	89
Kenneth L. Holmes, ed. and comp. <i>Covered Wagon Women: Diaries and Letters from the Western Trails, 1840-1890</i> , vol. 1, 1840-1849 ROGER D. LAUNIUS	94
<i>A Woman's Choices: The Relief Society Legacy Lectures</i> JESSIE L. EMBRY	96
Afterwords	99





A Map of Northwestern Missouri in the late 1830s

Courtesy of Ivan J. Barrett



# “High Treason and Murder”: The Examination of Mormon Prisoners at Richmond, Missouri, in November 1838

Stephen C. LeSueur

The Richmond court of inquiry, the preliminary hearing that sent Joseph Smith and other Latter-day Saint leaders to jail following the so-called Mormon War of 1838 in Missouri, has long been viewed within the LDS community as a sham trial, held by Missouri officials to give legal covering to their persecution of the Saints. Joseph Smith labeled it a “mock examination” in which “there was not the least shadow of honor, or justice, or law, administered toward them, but sheer prejudice, and the spirit of persecution and malice.”<sup>1</sup> According to Mormon accounts, the chief witnesses for the state were apostates and persecutors who swore to all manner of lies. In addition, Missouri officials allegedly denied the defendants their right to cross-examine witnesses, bring their own witnesses, or testify on their own behalf. “In this mock court of inquiry the defendants were prevented from giving any testimony on their part, by an armed force at the court house . . . so there was no testimony examined only against them,” wrote Joseph Smith, Sidney Rigdon, and Elias Smith in a joint petition to Congress.<sup>2</sup>

The Mormon defendants disputed the court’s findings for three main reasons: first, the prosecution’s witnesses testified falsely regarding Mormon activities during the conflict; second, Missouri officials deliberately prevented the defendants from presenting an adequate defense; and third, Missouri officials made no attempt to investigate the many crimes committed by non-Mormons during the disturbances. The Mormons viewed the proceedings as a deliberate and cynical misuse of the American judicial system that allowed Missouri officials to railroad Mormon leaders into prison and to shield non-Mormon criminals—the real instigators of the disturbances—from prosecution. This view generally dominates LDS histories of these events.<sup>3</sup>

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There is no question regarding the validity of the Mormons' third claim. Missouri officials did not investigate the conduct of non-Mormon participants in the disturbances, a fact which reveals a strong prejudice against the Latter-day Saints. Nevertheless, the evidence indicates that the other two claims regarding the Richmond hearing are not entirely true. A large portion of the testimony presented at the hearing is supported by the journals and reminiscences of loyal Mormons. In addition, the evidence suggests that Missouri officials conducted the hearing according to accepted legal procedures. This does not necessarily mean that the Mormon defendants were guilty of committing any crimes or that the Mormons, as a group, received just treatment from Missouri authorities. This focus upon the Richmond hearing—upon questions related to the conduct of and evidence presented at the hearing—does not represent a complete picture of Mormon troubles in Missouri. But this reexamination of the hearing does suggest that the traditional view gives us an incomplete, even distorted, picture of these events. A better understanding of the Richmond hearing allows for a better understanding of the entire conflict between the Mormons and their neighbors in western Missouri.

#### THE PURPOSE OF THE RICHMOND COURT OF INQUIRY

The Richmond court of inquiry was not, as its name implies, a military tribunal, but a preliminary hearing conducted by civil officials. The purpose of preliminary hearings has changed little since the 1830s, though in recent years magistrates have increased their concern for the rights of the accused.<sup>4</sup> When defendants are brought before the court at preliminary hearings, the prosecution must demonstrate (1) that a crime has been committed, and (2) that sufficient evidence exists to bring the accused to trial. Preliminary hearings serve to prevent suspected persons from escaping, while also safeguarding them from groundless prosecution. Prosecuting attorneys generally present only enough evidence to establish "probable cause" for believing the defendants are guilty of the alleged crimes. Defense attorneys, once they realize that sufficient evidence exists to charge their clients, rarely make an extended presentation of their case. The hearing thus provides the defense with an opportunity to discover the prosecution's case while revealing little of its own strategy.

The judge plays an active role in the preliminary hearing, sometimes taking over the questioning of witnesses in order to establish the essential facts in the case under examination. Because the prosecution must establish only a reasonable cause for believing the accused are guilty, magistrates often evaluate the evidence in a light favorable to the state. Some judges will stop the examination and bind



over the defendants for trial—without even allowing the defense to present its witnesses—when they believe enough evidence has been submitted for probable cause. Questions regarding the defendants' motives, the reliability of witnesses, conflicts in testimony, and other problems of evidence are left for juries—not the judge—to decide at later trials. A decision by the judge to charge the defendants does not represent a conviction or judgment of guilt against them. It simply means the judge has found probable cause to believe the defendants committed the alleged crime, thus warranting further investigation within the judicial system.

Missouri officials held the Richmond court of inquiry to determine whether they had probable cause to believe certain Mormon individuals had committed crimes during the 1838 disturbances in northern Missouri. The conflict, popularly known among Missourians as the Mormon War, began when anti-Mormon vigilantes attempted to prevent the Saints from settling in Carroll County. The Mormons responded defensively, but hostilities gradually escalated until both Mormon and non-Mormon vigilantes plundered, burned, and drove suspected enemies from their homes. Each group believed the other to be the aggressor and thus justified its own extralegal activities as necessary for self-preservation. Civil authorities intervened on numerous occasions, first to prevent bloodshed between the two groups, and finally, to quell a reported Mormon insurrection. During the last two weeks of conflict, northwestern Missouri suffered a complete breakdown of control by local authorities. Nearly all inhabitants in Daviess, Caldwell, and Ray counties fled to the larger towns for safety, while about three thousand Mormon and non-Mormon soldiers patrolled the region. The conflict ended when badly outnumbered Mormon troops surrendered to the state militia at Far West on 1 November 1838.

With order restored, the non-Mormon population demanded that the civil authorities bring to trial and punish the Mormons allegedly responsible for the conflict. The Mormon War had polarized public opinion in western Missouri. Many people who initially opposed the anti-Mormon vigilantes had, by the end of the conflict, concluded that the Mormons were the cause of trouble.<sup>5</sup> Although eastern Missouri newspapers called for a searching investigation “‘applied to the guilty on all sides,’”<sup>6</sup> relatively few western Missouri residents viewed the disturbances in such an objective manner. Although anti-Mormon vigilantes were the first to take up arms in the conflict, most non-Mormons in the western counties saw the Mormons as the cause of trouble. The Mormons' secret Danite band, their military operations in Daviess County, their attack on state troops at Crooked River, their fortifications at Far West, and dissidents' reports of aggressive intentions by Mormon leaders, all stood as evidence that the Mormons had posed



a genuine threat from the beginning—and that the action against the Saints had been justified. Crimes committed by non-Mormons were regarded as the unfortunate result of the excitement generated by the conflict. This biased view of the events led Missouri officials to examine only the conduct of Mormons, as if they alone had been responsible for the disturbances.

General John B. Clark arrived in Far West on 4 November 1838, four days after the Mormons surrendered, with instructions to deliver Mormon prisoners to the civil authorities for trial.<sup>7</sup> General Clark conducted a two-day investigation to determine which individuals should be brought to trial. He gathered the bulk of his information from Mormons who had become disillusioned with the Church—most of them had opposed Mormon military operations as overly aggressive and illegal. Although these dissident Mormons supplied much information about general Mormon activities during the disturbances, they revealed few names to General Clark. One of those questioned by Clark, George M. Hinkle, later claimed that “I told them that all I knew to be guilty of breaking the law had fled from the city the night before the surrender.”<sup>8</sup> General Clark said that no one disclosed any useful information until his officers brought in Sampson Avar, who was captured while trying to flee the state. Fearing for his life, for he had participated in many of the Mormon military operations, Avar agreed to supply the names of Mormon offenders in return for immunity from prosecution. Clark reported, “But for the capture of Sampson Avar . . . I do not believe I could have obtained any useful facts.”<sup>9</sup>

The Richmond hearing began on 12 November and lasted until 29 November 1838. Fifty-three of the defendants brought to Richmond had been identified during General Clark’s two-day investigation in Far West. Eleven others were added during the hearing. The prosecution focused its examination on three main areas of reported criminal activity: first, the raiding expeditions in Daviess County, where Mormon soldiers burned, plundered, and drove settlers from their homes; second, the 25 October battle at Crooked River, where Mormon state troops clashed with non-Mormon state troops, killing one man and wounding several others; and third, the allegedly treasonous activities of Mormon leaders. For years, rumors had circulated that the Mormons were engaged in an Aaron Burr-type conspiracy to establish a theocratic “kingdom” on the Missouri frontier. Civil officials viewed the extralegal military operations of Mormon soldiers, the machinations of the secret Danite band, and the reported dictatorial control of Church leaders in Caldwell County as evidence of a treasonous plot by Joseph Smith and his cohorts to usurp the functions of government in northwestern Missouri. The Mormon prisoners hired Alexander Doniphan, their loyal friend, and Amos Rees to defend their case.



## THE RICHMOND COURT OF INQUIRY

Richmond, the Ray County seat, had been a scene of great activity and excitement during the Mormon War. Richmond citizens sent numerous committees to investigate the growing hostilities between the Mormons and their neighbors in Daviess County. Throughout the disturbances, Mormon dissenters fled to Richmond with reports of Mormon militancy and oppression. Two Apostles, Thomas B. Marsh and Orson Hyde, signed affidavits informing Richmond citizens that Joseph Smith and his Mormon army “intend taking the United States, and ultimately the whole world.”<sup>10</sup> In response to these reports, Ray County citizens sent Captain Samuel Bogart with a company of men to guard the county line. Bogart’s troops subsequently clashed with a Mormon state militia unit at Crooked River, where three Mormons and one Missourian were killed. Following this battle, women and children were evacuated from Richmond and sent across the Missouri River to Lexington, while the men rushed north to halt an expected Mormon onslaught. Richmond citizens also sent numerous reports to Governor Boggs, reporting Mormon aggression and pleading for assistance. “Blood and plunder appears to be their object, and those who do not join with them in their incendiary conduct, are banished from Caldwell,” desperate citizens informed the governor. “Unless a military force is brought to act against them, and that shortly, they will destroy as far as they are able.”<sup>11</sup> The fear and hostility generated by the disturbances had hardly subsided when, less than two weeks after the Mormon surrender, Circuit Court Judge Austin A. King commenced a preliminary hearing to identify the Mormons responsible for the conflict.

Large crowds gathered in Richmond as the hearing began. The unfinished, windowless county courthouse served as both prison and courtroom for most of the Mormon defendants, while Joseph Smith and several others considered more dangerous were chained together and held separately in a nearby location. During the hearing, the defendants stood together behind a long pole that separated them from Judge King. Many of those attending the hearing were non-Mormons who had participated in the recent conflict. Captain Bogart and his men, who made no secret of their animosity toward Mormons, served as guards for the prisoners and their witnesses. “Shoot your Mormon. I have shot mine,” one of the guards reportedly shouted to another.<sup>12</sup> One of the defendants, Morris Phelps, reported that many spectators gathered menacingly around the prisoners:

Another [Missourian] would say—pointing out some one of us,—“There is a red hot Mormon, d—m him, I am acquainted with him,—to another—“That dam rascal was in the battle—or out to Davis [*sic*], or to



DeWit, such a one is a great preacher and leader amongst them, he ought to be hung, or sent to the penitentiary. Thus they would examine and view us as critical as if we were ravenous wolves, and they were about to purchase us for our fur.<sup>13</sup>

The large and hostile crowd, convinced of the Mormons' guilt, intimidated the witnesses and defendants throughout the hearing. "We have Smith, Rigdon and Dr. Averd [*sic*] here, in chains, closely confined under a strong guard," wrote one observer as the hearing began, "and I hope they will never get from here until they satisfy the world, by their deaths, for all the crimes they were instrumental in committing."<sup>14</sup>

The state called Dr. Sampson Averd as its first witness. A talented and persuasive man, Averd had helped organize and direct the secret Danite organization whose chief purpose was to rid the Church of dissenters and enforce orthodoxy among the Saints. His appearance as a witness surprised both Mormons and Missourians. Averd had wielded considerable influence among the Saints during the disturbances, and many expected him to be a prime suspect, not a key witness, in the alleged crimes.

The Mormons claimed that Averd's character, motives, and testimony were highly suspect. Lorenzo D. Young, Brigham Young's brother, termed Averd "a dishonest, hypocritical man."<sup>15</sup> Elias Higbee described him as "a man whose character was the worst I ever knew in all my associations or intercourse with mankind."<sup>16</sup> According to Sidney Rigdon, Averd advised a potential Mormon witness to "swear hard" against the heads of the Church, since they were the ones the court wanted to incriminate. "I intend to do it . . . in order to escape," he said, "for if I do not they will take my life."<sup>17</sup> One of the defense witnesses, Nancy Rigdon, later testified that Averd said "he would swear to a lie to accomplish an object; that he had told many a lie, and would do so again."<sup>18</sup> William T. Wood, the assistant prosecuting attorney, reported that Averd became disillusioned with Mormonism when Joseph Smith's promised victory over the Missourians failed to occur. Wood claimed Averd told him that, after receiving word Joseph Smith had surrendered, "I at once lost all faith and am no longer a Mormon."<sup>19</sup>

Averd's testimony covered a wide range of topics and activities. The prosecution questioned him extensively about the Danite organization, which Averd claimed was directed by Joseph Smith and his counselors. The Danites, he reported, considered themselves duty-bound to obey the First Presidency "as to obey the Supreme God."<sup>20</sup> According to Averd, Joseph Smith blessed the Danite officers and prophesied "they should be the means, in the hands of God, of bringing forth the millennial kingdom."<sup>21</sup> Averd presented a copy of the Danite constitution (a relatively harmless document) and described the group's



role in driving dissenters from Caldwell County. A letter ordering Oliver Cowdery, David Whitmer, and other dissenters to leave the county, signed by Hyrum Smith and some eighty other Mormons, was also presented to the court. In response to other questions about suspected treasonous activity, Avarad briefly related Joseph Smith's plans for gathering the Saints and building the kingdom of God in western Missouri, and described the Prophet's leading role in Mormon military operations. Finally, Avarad identified the defendants who allegedly joined the Danites, marched in the expedition to Daviess County, and participated in the attack on state troops at Crooked River.<sup>22</sup>

Avarad's testimony, which makes up about one-fifth of the court record, lasted two days. Peter Burnett, a newspaper editor and lawyer who attended the hearing, reported:

He [Avarad] was a very eccentric genius, fluent, imaginative, sarcastic, and very quick in replying to questions put by the prisoners' counsel. His testimony was very important, if true; and, as he had lately been himself a Mormon, and was regarded by them as a traitor from selfish motives, his testimony labored under some apparent suspicion. For these reasons he was cross-examined very rigidly.<sup>23</sup>

According to David Pettigrew, one of those who questioned Avarad was Joseph Smith. "Doctor, you said that you had unshaken confidence in me as a Prophet of God. What gave you this confidence?" Smith asked. "Was it because I taught you how to lie, steal and murder as you have testified, or because you actually believed me a prophet?" When Avarad made no reply, several of the guards cried out, "Kill the damned doctor."<sup>24</sup>

Judge King also played an active role during the examination as he cross-examined Avarad and other witnesses regarding Mormon activities and beliefs. After eliciting testimony about Joseph Smith's teachings regarding the prophecy of Daniel that the kingdom of God would roll forth like the little stone that would destroy all earthly kingdoms, King turned to the clerk and said, "Write that down; it is a strong point for treason." One of the Mormon lawyers objected but was overruled by King. "Judge, you had better make the Bible treason," the lawyer observed.<sup>25</sup>

During the remainder of the hearing, the prosecution called forty-one witnesses, twenty Missourians and twenty-one Mormons. At least eleven of the Mormons were men who had become disillusioned with Church policies. Many of them believed the Danites had exerted an oppressive and spiritually unhealthy influence within Mormonism. John Corrill, W. W. Phelps, and George Walter had openly quarreled with Church leaders about these issues. John Whitmer had been driven from Far West by the Danites. The testimonies of Corrill, Whitmer, and other dissenters reflected their disapproval of Mormon policies and activities.<sup>26</sup>



Most of the details and information provided by the dissenters supported Avar's testimony. Although they were less certain than Avar of the First Presidency's direct involvement with the Danites—they knew of only one or two meetings that Joseph Smith and his counselors attended—they believed Avar received his instructions from these men. John Corrill and Reed Peck reported that they were present when the Prophet blessed the Danite officers as Avar described. In addition, the dissenters gave corroborating testimony concerning other alleged Mormon activities and teachings:

(1) That in early June 1838 the Danites organized to expel a number of dissenters from Caldwell County. The dissenters' testimony described the various meetings and activities (such as Sidney Rigdon's "Salt Sermon") that led to the expulsion of the Cowderys, Whitmers, and others from the county.<sup>27</sup>

(2) That on 15 October 1838, after receiving reports that vigilantes intended to drive the Mormons from Daviess County, Joseph Smith and Sidney Rigdon rallied the Saints in Far West and declared their intention to defend their people. The dissenters testified that Joseph Smith proposed the confiscation of the property of those who refused to fight, and suggested that such people be put upon horses with bayonets and pitchforks and forced to ride in front of the troops. They also testified that Joseph Smith advised Mormon soldiers to live off the spoils of war during the expedition to Daviess.<sup>28</sup>

(3) That during the week of 16–22 October, Mormon soldiers patrolled Daviess County, driving settlers from their homes, plundering, and burning as they sought to rid the county of their enemies. The dissenters testified that these activities were carried out under the direction of Joseph Smith and other Mormon leaders. They also claimed that during the expedition to Daviess, Mormon leaders reorganized the militia in preparation for a general conflict with their Missouri neighbors.<sup>29</sup>

(4) That on 30 October, the day the state militia arrived outside Far West, Joseph Smith gathered Mormon soldiers and declared his intention to resist. George M. Hinkle testified that Smith said the troops organizing against the Saints were "a damned mob." Hinkle also testified that the Prophet declared the Mormons had tried to keep the law long enough, "but, as to keeping the law of Missouri any longer, he [Joseph Smith] did not intend to try to do so."<sup>30</sup>

In support of the charge of treason, the prosecution elicited information regarding Mormon beliefs and activities that indicated an intent to set themselves outside the law. George Hinkle, another surprise witness for the state, testified:

The general teachings of the presidency were, that the kingdom they were setting up was a *temporal* as well as a spiritual kingdom; that it was the little stone spoken of by Daniel. Until lately, the teachings of the church appeared to be peaceable, and that the kingdom was to be set up peaceably; but lately a different idea has been advanced—that the time had come when this kingdom was to be set up by forcible means, if necessary.<sup>31</sup>



Testimony by these witnesses that Mormon leaders were unwilling to submit to legal process during the disturbances—including Joseph Smith's instructions to the Caldwell County clerk not to issue "vexatious" lawsuits against Mormon leaders—added support to the prosecution's contention that the Mormons were engaged in some sort of plot to subvert the laws of the state.<sup>32</sup>

The ten other Mormons who appeared as witnesses for the state were loyal Church members who testified reluctantly at the hearing. According to Mormon accounts, these men testified because Missouri officials threatened them with prosecution and imprisonment. Morris Phelps reported that he attempted to testify on behalf of the defendants, but was stopped by Judge King and the prosecuting attorney, who then filed charges against him for his participation in the Crooked River battle.<sup>33</sup> Most of the Mormon witnesses, including Phelps, either emphasized their own nonparticipation in the alleged crimes or asserted that their leaders had forced them to take up arms. "I first refused to go," Phelps replied, when asked whether he participated in the Mormon attack at Crooked River, "but, being threatened with force, I consented to go."<sup>34</sup> The brevity of their testimonies indicates that these witnesses were unwilling to provide as much information as Corrill, Hinkle, and the others. Nevertheless, their testimonies corroborated the dissenters' statements regarding Mormon activities and beliefs, and implicated many defendants in the alleged crimes.

Most of the twenty non-Mormons who testified gave descriptions of their encounters with Mormon troops. Some told of being captured; others reported that they were accosted and threatened by Mormons. Samuel Bogart and four of his men testified regarding their battle with Mormon soldiers at Crooked River. As transcribed for the court record, the Missourians' statements reveal no obvious prejudice or exaggeration. Joseph H. McGee's testimony represents a typical example:

On Thursday, the 18th day of October, I was at Mr. Worthington's, in Daviess county, when the Mormons made an attack upon Gallatin. Mr. Worthington had a pair of saddle-bags in my shop, (in Gallatin,) with notes and accounts in them; and he requested me to go up to the shop, and try to secure them. When I went up, the Mormons had broken open my shop, and taken them out; one of them had put the saddle-bags on his horse, and I asked him for them. He answered, that he had authority from Captain Still to take them, and would not let me have them. He then told me I must go up to the store. I went along; and when I arrived there, Clark Hallett, one of the defendants, told him that he knew little Joe McGee [the witness]; that there was no harm in him, and to let him go. I was then turned loose. While at the store, I saw the Mormons taking the goods out of the store house, and packing many of the articles off on their horses; a number of barrels and boxes were rolled out before the door. When these men who had goods packed before



them, rode off, I heard a man, who remained at the store, halloo to one of them to send four wagons. I went down to Mr. Worthington's; and, in returning towards the store again, a short time after, I saw the smoke and flames bursting from the roof of the store house, and three men coming out of the house, who immediately rode off. The balance of the company had just previously left, except two, who were at Mr. Yale's, a citizen there, guarding him. I heard Parley Pratt order the men to take out the goods before the house was set on fire. I also saw Joel S. Miles there in the Mormon company.<sup>35</sup>

The statements by the non-Mormon witnesses are straightforward and concise, contain only eyewitness descriptions of their experiences, and present evidence generally consistent with other testimony and accounts of these events.

Following the examination of the state's witnesses, the Mormons presented their defense. The court record states that the defendants declined to make any statements but called seven witnesses on their behalf. Each witness testified regarding specific evidence against certain prisoners. Nancy Rigdon testified that her father, Sidney Rigdon, was not involved in the Crooked River battle. She also said that George W. Robinson did not have the clock he allegedly stole in Daviess County. Ezra Chipman, Delia F. Pine, and Malinda Porter testified that Lyman Wight did not steal a feather bed, as asserted by a previous witness. Another witness for the defense, Jonathan W. Barlow, reported that Joseph Smith and Lyman Wight did not participate in the Crooked River battle, but rode down to meet the Mormon troops after receiving word of the battle. Finally, Thoret Parsons and Arza Judd, Jr., testified that, prior to the Crooked River battle, Bogart's troops ordered them from Parsons' home in Caldwell County, and threatened to give Far West "thunder and lightning before the next day night." Very little testimony was given to explain why the Mormons organized their military operations, and nothing was said regarding the Danites. Instead, the defense witnesses attempted to refute a few specific allegations against some of the prisoners. Following their testimony, the prosecution called one more witness, Asa Cook, who denied that Bogart's troops had threatened Mormon settlers. This concluded the presentation of evidence by both sides.<sup>36</sup>

Based on the evidence presented at the hearing, Judge King found probable cause to order twenty-four defendants to stand trial on suspicion of committing arson, burglary, robbery, and larceny. These prisoners were allowed to post bail in amounts ranging from five hundred to one thousand dollars. King committed five prisoners to the Richmond jail on charges of murder for their alleged participation in the Crooked River battle. The six remaining prisoners, Joseph Smith, Hyrum Smith, Sidney Rigdon, Lyman Wight, Caleb Baldwin, and Alexander McRae, were committed to the jail in Liberty, Clay County,



on charges of treason.<sup>37</sup> Because their alleged crimes were capital offenses, Judge King allowed no bail for the prisoners charged with treason or murder. Grand jury trials for the defendants were scheduled for March 1839.

Some evidence was presented against each defendant charged by King. Several witnesses identified most of those charged as having participated in the alleged crimes. Contrary to the Mormons' expectations, twenty-nine prisoners were released due to insufficient evidence.<sup>38</sup>

The Mormons subsequently denounced both the hearing and Judge King's findings. The defendants argued that the prosecution's witnesses had testified falsely regarding Mormon military operations and regarding statements attributed to Mormon leaders. In addition, they argued that Missouri officials had prevented them from bringing witnesses or making an adequate defense. Finally, they pointed to the fact that Missouri officials made no attempt to investigate the activities of non-Mormon vigilantes as evidence of the prejudicial treatment they received from Missouri courts. Each of these three issues is discussed below.

#### DID THE PROSECUTION'S WITNESSES TESTIFY TRUTHFULLY?

Many of the Mormon complaints about the hearing emphasized the deficiencies in the moral character of the witnesses who testified against them. As earlier mentioned, Mormon leaders regarded Sampson Avarad as a scoundrel and a liar who testified falsely to save his life. They similarly denounced the dissenters who testified at the hearing. Joseph Smith characterized George Hinkle, John Corrill, Reed Peck, and other witnesses as men "who are so very ignorant that they cannot appear respectable in any decent and civilized society, and whose eyes are full of adultery, and cannot cease from sin."<sup>39</sup> Like Avarad, these men reportedly testified to save their lives and to seek revenge against the church they had left.

While a variety of motives undoubtedly influenced the decision of these men to testify, the more important issue is whether their testimonies—or the alternative claims of Mormon leaders regarding Mormon activities in Missouri—are substantiated by other sources.

Mormon leaders asserted that their soldiers did not burn and plunder homes or commit other crimes in Daviess County, as testified by the prosecution witnesses. According to Hyrum Smith, the Missourians set fire to their own homes and then blamed the Mormons in order to inflame the excitement against them. He states:

Many people came to see. They saw the houses burning; and, being filled with prejudice, they could not be made to believe but that the "Mormons" set them on fire; which deed was most diabolical and of the blackest kind; for indeed the "Mormons" did not set them on fire, nor meddle with their houses or their fields.<sup>40</sup>



In addition, the Mormons said that their military operations in Daviess County were authorized by Generals Alexander W. Doniphan and Hiram G. Parks of the Missouri state militia.<sup>41</sup> The generals reportedly mustered out the Daviess and Caldwell county militia units to which the Mormons belonged and ordered them to repel the vigilantes. The Mormons thus asserted that they acted in self-defense, under legitimate state authority, and committed no crimes.

Evidence from the journals and reminiscences of loyal Mormons reveals, however, that Mormon soldiers did engage in burning and plundering in Daviess County. Oliver Huntington reported that Mormon soldiers, after burning Gallatin, returned to Adam-ondi-Ahman laden with goods, which they deposited at the bishop's storehouse:

The next day I went to Bishop Knights and saw the plunder, and O what lots, I thought; and heard them [the soldiers] tell, in what order they took the place. . . . The store they burned, but the goods were preserved.<sup>42</sup>

Warren Foote, who lived in Caldwell County, said that "the mormons took their enemies corn, cattle, hogs &c according to the usages of war."<sup>43</sup> These activities, carried out under the direction and approval of Mormon leaders, were deemed necessary for protection against anti-Mormon vigilantes. Benjamin F. Johnson, a Mormon soldier who participated in several raids, defended their actions:

Here let me say that it should not be supposed . . . that we were common robbers because we took by reprisal that with which to keep from starvation our women and children. Ours was a struggle for our lives and homes.<sup>44</sup>

These reminiscences from loyal Mormon sources corroborate the testimony given at the hearing regarding Mormon activities in Daviess County.<sup>45</sup>

The evidence also indicates that during the October expedition to Daviess County—where most of the Mormon military operations examined by the court took place—Mormon soldiers acted on their own and not under the authority of the state militia. When General Doniphan arrived in Far West on 15 October, he probably advised the Mormons to fight in self-defense (he sympathized with their plight); but, for a number of reasons, it is unlikely that he ordered Mormon soldiers to march to Daviess County. First, the Mormons planned and organized the expedition before Doniphan arrived in Far West. Moreover, the Caldwell County militia did not belong to his brigade; he had no official authority over them. Finally, General Doniphan did not have the authority—no one in Caldwell County had the authority—to order the Caldwell troops to Daviess County.<sup>46</sup> Similarly, the evidence indicates that General Parks did not authorize the Mormon



activities in Daviess County. He did not arrive at Adam-ondi-Ahman until after the Mormons had begun their raids, including the burning and sacking of Gallatin. Neither Doniphan nor Parks reported ordering the Mormons into the field. In fact, as a consequence of the Mormon activities in Daviess County, both generals called out their troops to halt the Mormon military operations.<sup>47</sup>

The testimony regarding the Salt Sermon and the expulsion of dissenters from Caldwell County is similarly verified by Mormon sources. George W. Robinson, a Danite colonel and secretary to the First Presidency, described the incident in his contemporary account of these events:

I would mention or notice something about O. Cowdery David Whitmer Lyman E Johnson and John Whitmer. . . . Prest Rigdon preached one Sabbath upon the salt that had lost its savour, that it is henceforth good for nothing but to be cast out, and troden under foot of men, And the wicked flee when no man pursueth, These men took warning, and soon they were seen bounding over the prairie like the scape Goat to carry off[f] their own sins we hav[e] not seen them since, their influence is gone, and they are in a miserable condition, so also it [is] with all who turn from the truth to Lying Cheating defrauding & Swindeling.<sup>48</sup>

Ebenezer Robinson, who signed the letter ordering the dissenters to leave Caldwell, also left an account confirming the testimony presented at the Richmond hearing.<sup>49</sup> None of the defendants specifically denied the testimony regarding this incident. The bulk of evidence suggests that the dissenters' testimony was true.

Mormon leaders made surprisingly few references to the Danites in their public petitions and statements regarding the Richmond hearing. Joseph Smith asserted that Sampson Avaré "swore false" concerning the Danite constitution, but neither he nor the other defendants disputed the testimony describing the teachings and activities of the Danite organization.<sup>50</sup> Evidence from Mormon sources, particularly Morris Phelps's "Reminiscences," corroborates the testimony about the group's teachings and goals.<sup>51</sup> Contemporary Mormon accounts also reveal that the Danites played an active and influential role in Mormon affairs, such as the expulsion of dissenters from Caldwell County in June, the consecrating of property to the Church, the Fourth of July celebration at Far West, and the Mormon expedition to Daviess County after the Gallatin election battle.<sup>52</sup> The group operated prominently in northern Missouri for nearly five months. Its teachings and activities were known to non-Mormons as well as to Latter-day Saints. The influential role of the Danites and the presence of Mormon leaders within the organization lend support to the witnesses' testimony that the First Presidency approved of and encouraged the group's activities.



There remains a question, however, regarding the extent to which Joseph Smith actively directed the Danites. In a letter to the Saints, Joseph Smith asserted that Avarad taught “many false and pernicious things” of which the First Presidency was not aware.<sup>53</sup> In addition, nearly all Mormons claimed that Avarad—and not Joseph Smith—directed the Danite organization. Their assertions contradict Avarad’s testimony, but not the testimony of other witnesses for the prosecution. Although Corrill, Peck, and other witnesses believed that Avarad received his instructions from Joseph Smith, none of them claimed to have firsthand knowledge of this fact. They all affirmed that Avarad was the “teacher and active agent of the society.”<sup>54</sup> The evidence thus corroborates most of the testimony regarding the Danites. Only Avarad’s assertions that the First Presidency wrote the Danite constitution and directed the organization’s activities remain in doubt.

Joseph Smith’s role in directing Mormon activities represented a central element of the prosecution’s case. The charge of treason against the Prophet rested on the assertion that he directed not only the Danite organization, but also Mormon military operations in Daviess and Caldwell counties.

Mormon leaders denied the testimony placing Joseph Smith at the head of Mormon troops. Brigham Young stated that Joseph Smith “was in no way connected with the Militia of that state [Missouri], neither did he bear arms at all, nor give advice.”<sup>55</sup> Hyrum Smith asserted that his brother “never bore arms, as a military man, in any capacity whatever, whilst in the state of Missouri, or previous to that time; neither has he given any orders or assumed any command in any capacity whatever.”<sup>56</sup> Parley P. Pratt further contended that the Prophet “never bore arms or did military duty, not even in self-defense.”<sup>57</sup> The testimony that Joseph Smith played a leading role in Mormon military operations, these men asserted, was false.

Evidence from Mormon journals and reminiscences, however, contradicts these statements. Albert P. Rockwood reported that, following the Gallatin election battle, “Joseph Smith & Lyman White were at the head of the company (Army of Israel) that went up to the relief of the Brethren in Davis [*sic*] Co.”<sup>58</sup> Many Mormons reported that the Prophet organized and led the Mormon troops when the Missouri militia first appeared outside Far West.<sup>59</sup> On another occasion, Joseph Smith countermanded an order by state militia Colonel George Hinkle, directing a group of Mormon soldiers to ride to Haun’s Mill. James H. Rollins states that Joseph Smith “told us that we were his men, and that we must not go[;] if we did go against his will we would not be one of us left to tell the tale tomorrow morning.”<sup>60</sup> All Mormons recognized the Prophet’s leading role in temporal as well as spiritual affairs. Shortly after the Mormon expedition to Daviess County, Rockwood wrote:



You may ask if the Prophet goes out with the Saints to Battle? I answer he is a Prophet to go before the people as in times of old. . . . Bro. Joseph has unsheathed his sword & in the name of Jesus declares that it shall not be sheathed again until he can go into any country or state in safety and peace.<sup>61</sup>

Evidence from loyal Mormon sources thus confirms the testimony that Joseph Smith actively directed many of the Mormon military operations.

Related to the issue of Joseph Smith's leadership role among the Saints is the testimony regarding his alleged disregard for the law. Again, Mormon sources confirm many of the witnesses' reports of various statements and speeches by the Prophet. Warren Foote stated that, prior to the march of Mormon troops to Daviess County, Joseph Smith said "that those who would not turn out to help to suppress the mob should have their property taken to support those who would."<sup>62</sup> Regarding "vexatious law suits," Mormon leaders denounced such proceedings in "The Political Motto of the Church of latter-day Saints" and at the Fourth of July celebration, where they publicly warned that they would allow no one to initiate vexatious lawsuits against them.<sup>63</sup> Similarly, the Mormons made no secret of their belief that they were establishing a temporal kingdom of God, which, as Daniel prophesied, would eventually destroy all other earthly kingdoms. "The Prophet Joseph laid the foundation of our Church in a Military Spirit," wrote Benjamin F. Johnson of Mormonism's early years, "and as the Master taught his disciples So he taught Us to 'Sell our Coats and Buy Swords.' "<sup>64</sup> It was this spirit the witnesses testified of.

When the testimony of the Mormon defense witnesses is compared with evidence from other sources, one glaring inconsistency arises. Numerous prosecution witnesses testified that Lyman Wight led a company of Mormon troops to Millport. Several witnesses stated that they saw Wight near the town shortly after it was burned. In rebuttal, three defense witnesses testified that Wight did not leave Adam-ondi-Ahman during the period in question. In a petition written while he was in Liberty Jail, Wight insisted that he never left his house.<sup>65</sup> In affidavits filed in 1843, however, both Hyrum Smith and Lyman Wight stated that Wight commanded Mormon troops in expeditions against the vigilantes.<sup>66</sup> Wight reported that he led a company of sixty men to Millport. The 1843 affidavits confirm the testimony of the prosecution's witnesses.

Source materials for this period do not provide the necessary detail to examine each accusation against the defendants. The evidence that is available, however, substantiates most of the testimony by the prosecution's witnesses regarding key issues and events, such as the Salt Sermon and expulsion of dissenters from Far West, the teachings and activities of the Danite band, the burning and plundering



committed by Mormon soldiers in Daviess County, and Joseph Smith's leading role in the Mormon military organizations.

#### CONDUCT OF THE TRIAL

The Mormon defendants charged that Missouri officials conspired to prevent them from presenting an adequate defense at the hearing. According to many accounts, Captain Bogart and his men cast into prison nearly forty defense witnesses and drove the rest from the state. Many defendants reported that neither they nor their witnesses were allowed to testify. Several also stated that they were prevented from getting legal counsel. In addition, Judge King and other local officials allegedly threatened Mormon witnesses and forced them to testify at the point of bayonet. The frightened and intimidated witnesses then testified falsely to save their own lives. According to these accounts, the Richmond hearing was a cynical pretense of justice in which Missouri officials deliberately violated standard legal procedures in order to charge the Mormon defendants—people they knew were innocent of any wrongdoing—with all manner of crimes. Had proper legal procedures been followed, these Mormons argued, they could have disproved the testimony against them.

Evidence from Mormon sources supports the claim that Mormon witnesses were intimidated at the Richmond hearing. Missouri officials apparently threatened to prosecute witnesses who refused to cooperate with the investigation. Morris Phelps, a witness and defendant, reported that he was prosecuted because of his reluctance to testify against the other prisoners.<sup>67</sup> James H. Rollins claimed he was originally summoned to testify against the others, but soon found he was a defendant and not a witness.<sup>68</sup> William Huntington, Sr., went into hiding after hearing rumors that local ruffians intended to throw him in prison to prevent him from testifying for the defense. According to his son, Huntington later reached an "understanding" with these men and did not testify.<sup>69</sup> John Murdock complained that he went to Richmond for the hearing "but was not allowed to testify."<sup>70</sup> Regarding those who did testify for the defense, Ebenezer Robinson wrote that "our witnesses were treated so badly, and intimidated to such an extent it was considered useless to attempt to make an extended defense."<sup>71</sup>

The evidence suggests, however, that many of the other claims regarding the conduct of the hearing are exaggerated. The Mormon accounts do not give the names of the forty defense witnesses who were reportedly thrown in jail, nor do any Mormon individuals report receiving such treatment because they were called to testify.<sup>72</sup> Neither Peter H. Burnett nor Erastus Snow, who both attended the hearing, reported this gross obstruction of justice.<sup>73</sup> There is no evidence



corroborating Mormon reports of the mass jailing of their witnesses. In addition, Mormon claims that they were not allowed to testify, to bring witnesses, or to have legal counsel are not true. The court record shows that seven witnesses testified for the defense. The court record also states that the defendants themselves declined the opportunity to be examined.<sup>74</sup> And two of the best-known defense lawyers in western Missouri, Alexander W. Doniphan and Amos Rees, handled the case for the defendants.<sup>75</sup>

Two related issues should also be examined. The first deals with Judge King's alleged prejudice against the Saints. King's brother-in-law had been killed in a skirmish with the Mormons in Jackson County in 1833. During the 1838 disturbances, he wrote to Governor Boggs and charged that the Mormons had become the aggressors in the conflict. The defendants asserted that throughout the hearing the judge made statements revealing his prejudice and determination to throw them in prison. "If the Governor's exterminating order had been directed to me," King reportedly told the defendants, "I would have seen it fulfilled to the very letter ere this time."<sup>76</sup> Should King have disqualified himself and requested another judge to sit in his place?

Judge King's previous involvement in the Mormon disturbances, even when evaluated by the less rigid standards of frontier society, was sufficient to warrant his disqualification from the Richmond hearing. If King made the statements attributed to him by Mormon defendants, then clearly he lacked the impartiality to preside at the hearing. There is no evidence, however, that any other judges were considered for the hearing. Perhaps part of the problem was that no judge in western Missouri was completely free from bias; yet, bringing a new judge a hundred miles across the state to conduct a preliminary hearing would have been unusual for this period. King, as judge of the Fifth Judicial Circuit, was the logical choice to conduct the hearing because his jurisdiction included all the counties where the alleged crimes had been committed.

Regardless of whether King should have sat at the hearing, the evidence suggests that Mormon claims regarding his behavior are exaggerated. Missourians connected with the hearing praised King's handling of the examination. William T. Wood, who served as a lawyer for the Saints in Jackson County and assisted the prosecuting attorney at the Richmond hearing, denied the Mormon claims regarding the court of inquiry, asserting, "The trial was not a 'mock trial.' Judge King presided in good faith and with fairness."<sup>77</sup> General Clark reported: "Every facility was afforded the prisoners in getting their witnesses, &c. that could be, and as far as I could observe the investigation was conducted upon legal grounds."<sup>78</sup> Their close connections to the investigation undoubtedly colored these reports by Wood and Clark.



But even Amos Rees, who served the entire hearing as one of the lawyers for the Mormon defendants, reported in a private letter that they were tried and committed according to the law:

Judge King sitting as a court of enquiry, heard all the evidence in a regular way and had it all reduced to writing as required by law, the mormons were then heard by their counsel in defence, &c. and after this the Judge proceeded to commit some of them for treason and murder, to discharge others, and to admit to bail the great majority of them.<sup>79</sup>

Finally, an examination of the court record reveals that Judge King, regardless of any prejudice he may have had, charged and committed the defendants on the evidence against them. In fact, he released nearly half the Mormon prisoners due to insufficient evidence. This does not mean that Judge King held no prejudice against the Saints, nor that there were not some irregularities associated with the Richmond hearing; rather, this evidence represents further support that Missouri officials generally followed accepted procedures for preliminary hearings.

The charge of treason represents another controversial issue related to the hearing. Missouri state law stipulates:

Every person who shall commit treason against the state, by levying war against the same, or by adhering to the enemies thereof, by giving them aid and comfort, shall, upon conviction, suffer death, or be sentenced to imprisonment in the penitentiary for a period not less than ten years.<sup>80</sup>

The Mormons had gathered in Missouri to establish a religious community, not to levy war against their neighbors. No evidence exists to indicate treasonous intent in Mormon teachings or activities—but this does not necessarily imply that Judge King was mistaken in his ruling. The testimony at the Richmond hearing provided sufficient evidence *for the purposes of a preliminary hearing* to charge Mormon leaders with treason. Witnesses testified that (1) Mormon leaders publicly declared they would resist state authority; (2) Mormon soldiers attacked state troops, burned two towns, and drove settlers from their homes; (3) Mormon leaders directed the secret Danite organization, which threatened and expelled from their homes Saints who would not obey the Prophet; and (4) the Mormons planned to build a temporal kingdom in western Missouri. Judge King's ruling did not represent a judgment of guilt against the defendants, but rather indicated his belief that the evidence warranted further investigation of the charges.

The Mormons' defense against the charge of treason—and against all the charges brought against them—rested not on the contention that they had not committed the acts described at the hearing, but on the reasons why they took up arms. Why, then, did they not explain their actions and disprove the charges against them? If, as the Mormons'



lawyer asserted, the Richmond hearing was conducted according to “regular” procedures, why did the defendants present such a meager defense?

The nature of the Richmond hearing, rather than a deliberate obstruction of justice, limited the Mormons’ defense. The hearing was a preliminary examination to evaluate the state’s evidence against the defendants, not a trial to prove their innocence or guilt. Thus, when Morris Phelps attempted to testify on behalf of the prisoners, Judge King told him that “we do not want to here [*sic*] any testimony on that side of the question.”<sup>81</sup> Similarly, the prosecuting attorney objected to the testimony of another Mormon witness, arguing that “this was not a court to try the case, but only a court of investigation on the part of the state.”<sup>82</sup>

In addition, the weight of the evidence against the defendants made it inadvisable for them to make an extended defense at that time. A lengthy defense, even if admitted by the court, would have been counterproductive. The Mormons’ defense was largely an explanation of why they committed the acts alleged to be crimes: They had acted in self-defense. Mormon soldiers invaded Daviess County and attacked state troops at Crooked River because they were trying to protect themselves from anti-Mormon vigilantes. Mormon leaders condemned Missouri officials and engaged in extralegal activities because lawful methods had failed to protect their people. Their intentions had been defensive rather than aggressive. An assertion of these arguments by the defendants, however, would have required a concurrent admission of involvement in the alleged criminal acts. For the purposes of the preliminary hearing, this would have confirmed the suspicion of guilt already created by the prosecution, but would have availed nothing toward securing the prisoners’ release. Explanations regarding why they committed their alleged crimes were appropriately saved for their future trials.

Viewed from this perspective, the reason why Doniphan and Rees advised their clients not to testify becomes clear. While they had little hope of dispelling the suspicion of guilt created by the state’s witnesses, their own testimonies might further incriminate themselves or other Mormons not yet charged. Witnesses for the defense carried the same risk. In addition, by allowing defense witnesses to testify, lawyers for the Mormons would have revealed to the prosecution their intended line of defense at future trials. Thus, when Doniphan told his clients not to bring witnesses because “it would avail us nothing . . . [even] if a cohort of angels were to come and swear we were innocent,” he may have been referring to the preponderance of evidence establishing probable cause against the defendants, as well as to any alleged prejudice of the court.<sup>83</sup> These strategic considerations, along with a



genuine fear for the safety of Mormon witnesses, probably influenced the decision to bring few witnesses to Richmond.<sup>84</sup> The fact that Judge King released nearly half the defendants—many of whom had participated in the alleged crimes—suggests that the strategy was successful.

Perhaps too much was made of the Richmond court of inquiry—by non-Mormons who cited the testimony as evidence that the Mormons instigated the conflict, and by Mormons who cited the conduct of the hearing as evidence they did not receive a fair trial. The court of inquiry was not a trial, but a preliminary hearing, and as such represented insufficient evidence to prove the contentions of either group. Whether subsequent trials, at which Mormon defendants could have presented an extended defense, would have altered their views will never be known because only one Mormon was ever brought to trial. The defendants released on bail all left the state, as required by the governor's expulsion order, and did not return for their trials. Joseph Smith and a number of other defendants were indicted by a grand jury in Daviess County, but they escaped their guards and fled to Illinois while being transferred to Boone County on a change of venue. The defendants charged with murder also received a change of venue to Boone County, where most escaped from the Columbia jail while awaiting trial. Of the two remaining prisoners, Luman Gibbs had the charges against him dismissed, while King Follett, the only Mormon actually tried by the Missourians, was acquitted of a robbery charge.<sup>85</sup>

#### EVALUATION OF THE RICHMOND HEARING

This reappraisal of the Richmond hearing does not necessarily lead to the conclusion that justice was served by the judicial inquiry. Although some Mormon accounts of the court's proceedings were clearly inaccurate and misleading, their basic contention was correct: the Richmond inquiry did not represent a thorough—or, therefore, unbiased—investigation of the disturbances. Missouri officials made no effort to prosecute anti-Mormon vigilantes who plundered, burned, and drove Mormon settlers from their homes. There was no court of inquiry to investigate the killing of William Carey or the slaughter of Mormon settlers at Haun's Mill.<sup>86</sup> The official investigation into the causes of the disturbances was manifestly one-sided.

It was obvious to the Mormons—and to many non-Mormon settlers as well—that non-Mormons had committed crimes during the disturbances. The attempt by local officials to prosecute only Mormons therefore appeared to be a cynical pretense of justice, a deliberate violation of law. How could they ignore the many crimes committed by the anti-Mormon vigilantes?<sup>87</sup>



The same question, however, can be raised concerning Mormon accounts of these events. Mormon soldiers engaged in highly provocative and destructive raids on Missouri settlements. It was obvious to Missourians—and to many Mormon dissenters as well—that Mormon soldiers committed crimes during the disturbances. Yet Mormon leaders denied any wrongdoing and placed all blame for the conflict on the Missourians. Did the Mormons sincerely believe that only Missourians committed crimes during the disturbances, or were their statements cynical attempts to sway public opinion?

Herein lies the key to understanding the conduct of the Richmond court of inquiry: Each side believed that the other was the main cause of trouble. This myopic view of the conflict allowed those on both sides to justify their own actions as defensive while at the same time viewing the actions of their enemies as aggressive and threatening. They excused their own excesses and illegal activities as having been provoked by their opponents. Neither group understood how its own activities contributed to the disturbances. As in most wars, the hostility and fear generated by the conflict caused the participants to hold rigidly to their biased views. It is not surprising, then, that Mormon leaders blamed only Missourians in their accounts of the conflict. But neither is it surprising that, at the conclusion of the disturbances, Missouri officials prosecuted only Mormons. The majority in both groups held one-sided views of the causes of the conflict.

This leads to the major conclusion of this study. It is one thing when the prejudice of government officials hampers their judgment and, consequently, their ability to administer justice impartially; it is another when their prejudice is so strong that it also leads them to deliberately and consistently violate the law in order to act on their prejudice. The former condition can eventually lead to the latter, and it is often difficult to distinguish between the two. Nevertheless, there is a difference. The conduct of the Richmond hearing evidenced much of the former but little of the latter. That is, the failure to prosecute non-Mormons revealed an extreme bias, but it did not necessarily represent a deliberate attempt to circumvent the law. There were no lynchings. Civil authorities, rather than militia officers or vigilante leaders, assumed control of the proceedings, and the evidence indicates that they conducted the examination according to accepted procedures for preliminary hearings.

This fine-line distinction between degrees of prejudice would have provided little solace for the Mormon defendants who languished several months in jail waiting for their trials, but the distinction provides important insights for historians trying to understand these people and events. It suggests that we should reexamine the way we have viewed the Mormon and non-Mormon participants in the Missouri conflict.



Mormon historians have too quickly dismissed the statements of Mormon dissenters as exaggerations influenced by an assumed bitterness against Church authorities. The evidence from loyal Mormon sources corroborating the dissenters' testimony indicates that more credence should be given to their accounts of these events. In addition, historians should take a closer look at the circumstances that led to the dissenters' disaffection from Mormonism. Dissenters in Missouri generally gave two reasons for their discontent. First, they opposed the oppressive influence of Sampson Avar and the Danites, whose extreme loyalty to Joseph Smith prevented open discussion or questioning of Church policies. The Church's subsequent rejection of Avar and Danitism (following the Richmond hearing) suggests that the dissenters' opposition may have been warranted.<sup>88</sup> Second, the dissenters believed that Mormon leaders overreacted to the threats of vigilante violence and that Mormon military operations were unnecessarily provocative. They feared that extralegal activities would bring the entire state against them. The eventual outcome of the conflict indicates that their fears were justified.<sup>89</sup> The statements and claims of the Mormon dissenters should, of course, be weighed carefully. Some accounts are more accurate than others. But the evidence indicates that they can add to our understanding of these events.

Similarly, the statements and claims of Mormon leaders should also be weighed carefully. Their petitions and affidavits were made for public consumption. Primarily, they wanted to dispel the notion, created by the publication of the Richmond court record, that the Mormons had engaged in illegal or violent activities. As demonstrated above, the private accounts in Mormon journals and reminiscences do not always support the public claims of their leaders regarding these events.

Finally, more attention should be given to the Missourians' descriptions of these events. This does not mean that their acts of violence and crime should be excused, nor that we should consider them "right" and the Mormons "wrong." There was no single view among Missourians regarding the Mormon problem. Some would have gladly violated legal procedure to see the Mormons "justly" punished; many others considered the anti-Mormon vigilantes to be as much at fault as the Mormons in creating the disturbances. The majority of residents in western Missouri, however, believed the Mormons instigated the conflict, and this view guided their investigation at the Richmond hearing.

This essay's focus on the Richmond hearing is necessarily biased against the Mormons because the Richmond hearing itself focused on a narrow set of questions relating to the alleged criminal behavior of Mormon individuals. Nevertheless, it highlights the non-Mormons' genuine concern and alarm regarding specific Mormon teachings and



activities, especially those of the Danite organization. In addition, non-Mormons treated events that occurred near the end of the disturbances, such as Mormon depredations in Daviess County, as evidence that the Mormons had aggressive intentions all along. Many non-Mormons—though not all—failed to see that Mormon military activities were primarily a response to anti-Mormon violence, and that, to some degree, Mormon soldiers were “goaded” into committing excesses against non-Mormon citizens.<sup>90</sup> Once we understand this biased view, we can understand why many Missourians believed the Mormons were the cause of trouble, and we can further understand the logic motivating the Missourians’ investigation of alleged Mormon crimes.

The conduct and outcome of the Richmond hearing also help to illuminate one of the central problems faced by the Mormons in Missouri. During the height of conflict an exasperated Joseph Smith reportedly complained, “Who is so big a fool as to cry the law! the law! when it is always administered against us and never in our favor.”<sup>91</sup> Local officials intervened on numerous occasions during the disturbances, but they proved unable—and, in some instances, unwilling—to halt the anti-Mormon violence. Mormons were occasionally arrested for committing illegal acts, but this was rarely the case with non-Mormons. The Richmond hearing followed this same pattern: Mormons were arrested and jailed for causing the disturbances, while the actions of non-Mormons were ignored by law-enforcement officials. This outcome illustrates how the dominant community can use the law to enforce local customs and values—and to preserve the power of the existing elite—against groups of people perceived as threatening to that community. The lawful incarceration of Joseph Smith and other Mormon leaders helped to justify and expedite the eventual expulsion of the Mormons from the state.

The Missourians’ view of the conflict can be contrasted with the view dominating Mormon histories and accounts. Mormon accounts tend to focus upon events that occurred at the beginning of the disturbances (when anti-Mormon vigilantes initiated conflicts with Mormon settlers), and upon the suffering endured by Mormons throughout the conflict. Mormon accounts downplay, ignore, and even deny Danite aggression, plundering and burning by Mormon soldiers, and other activities that Missourians viewed as threatening and illegal. Many Mormons, believing that non-Mormons were to blame for the conflict, erroneously concluded that what finally resulted—the Mormons’ expulsion—was part of a conspiracy “concocted by the governor down to the lowest judge.”<sup>92</sup> They regarded the Richmond hearing as part of this civilian conspiracy to drive the Mormons from the state. Their view mirrored the view of Missourians who, believing that Mormons were to blame for the conflict, erroneously concluded



that what finally resulted—the numerous depredations by Mormon soldiers—was part of a Mormon conspiracy to seize property and power. That is why Missouri officials charged Mormon leaders with treason at the Richmond hearing.

Rather than seeking to assess blame, however, the historian can gain greater insight by seeking to understand the perceptions and beliefs motivating the participants' actions. For example, historians are not necessarily wrong when they point to anti-Mormon agitation as the initial cause of trouble, but such a narrow view does not help us to understand how and why the conflict expanded, why non-Mormons who were initially friendly or neutral toward the Mormons eventually sided against them, or why the conflict ended with the Mormons' expulsion from Missouri. The alternative approach of seeking to understand rather than blame still allows the historian to point out that Mormons sought mainly to defend themselves from anti-Mormon vigilantes, that Mormon leaders initially appealed to civil authorities for help, and that the Mormon people suffered terrible injustices in Missouri. But this approach also requires the historian to give credence to the accounts by non-Mormons, to point out that most Missourians also believed they were fighting on the defensive, that many Missourians hoped for a peaceful resolution of the conflict, and that many non-Mormons suffered injustices at the hands of Mormons. There was, of course, no single view among either Mormons or non-Mormons regarding these events. Consequently, it is only by taking into account the multifarious and contending voices among both Mormons and Missourians that we can hope to understand the complicated pattern of prejudices, motives, and forces that eventually led to the Saints' expulsion from the state.

## NOTES

<sup>1</sup>Affidavit of Joseph Smith et al., 15 March 1839, in Heman C. Smith, ed., "Appeals to Supreme Court of Missouri," *Journal of History* 9 (April 1916): 206.

<sup>2</sup>"The Saint's Petition to Congress," in Joseph Smith, Jr., *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2d ed. rev., 7 vols. (reprint; Salt Lake City: Deseret Book Co., 1978), 4:35 (hereafter cited as *History of the Church*). Other descriptions of the Richmond hearing left by the leading defendants are found in "Appendix to Volume III: Affidavits of Hyrum Smith et al. on Affairs in Missouri, 1831–39; Officially Subscribed to before the Municipal Court of Nauvoo the First Day of July, 1843," in Joseph Smith, *History of the Church* 3:417–20 (Hyrum Smith), 3:430 (Parley P. Pratt), 3:448 (Lyman Wight), and 3:463–64 (Sidney Rigdon); Joseph Smith, "Appeals to Supreme Court of Missouri," 200–216; Parley P. Pratt, *Autobiography of Parley Parker Pratt* (Salt Lake City: Deseret Book Co., 1976), 209–15; and Sidney Rigdon, *An Appeal to the American People: Being an Account of the Persecutions of The Church of Latter Day Saints; and of the Barbarities Inflicted on Them by the Inhabitants of the State of Missouri* (Cincinnati: Shepard & Sterns, 1840), 47–49.

<sup>3</sup>See, for example, James B. Allen and Glen M. Leonard, *The Story of the Latter-day Saints* (Salt Lake City: Deseret Book Co., 1976), 130; Donna Hill, *Joseph Smith: The First Mormon* (Garden City, N.Y.: Doubleday, 1977), 246–50; and Leland H. Gentry, "A History of the Latter-day Saints in Northern Missouri from 1836 to 1839" (Ph.D. diss., Brigham Young University, 1965), 546–63.



<sup>4</sup>For information on preliminary hearings in the first half of the nineteenth century, see *The Revised Statutes of the State of Missouri* (St. Louis: Argus, 1835), 474–78; and Nathan Dane, *A General Abridgment and Digest of American Law, with Occasional Notes and Comments*, 9 vols. (Boston: Cummings, Hilliard & Co., 1823–29), 7:299–303. For more general information on preliminary hearings, see Frank W. Miller, *Prosecution: The Decision to Charge a Suspect with a Crime* (Boston: Little, Brown & Co., 1969), 45–109; Stephen A. Saltzburg, *American Criminal Procedure: Cases and Commentary*, 2d ed. (St. Paul, Minn.: West Publishing, 1984), 653–61; and Charles E. Torcia, *Wharton's Criminal Evidence*, 4 vols. (Rochester, N.Y.: The Lawyers Cooperative Publishing, 1972), 3:371–87. Preliminary hearings today generally have fewer witnesses and do not last as long as the Richmond court of inquiry, but the purpose and procedures of the hearings remain the same.

<sup>5</sup>The response of Arthur Bradford, a non-Mormon settler in Carroll County, typified that of many citizens: “I did not at first approve of [the vigilantes], but I finally believed they were right and I joined in with them,” he wrote shortly after the Mormon surrender. “I am convinced history does not afford a deeper laid scheme of villainy than that which has just developed itself in regard to the course pursued by that sect” (Arthur I. H. Bradford to Thomas G. Bradford, 13 November 1838, Thomas G. Bradford Correspondence, TS, Library–Archives, Historical Department, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah [hereafter cited as LDS Church Archives]).

<sup>6</sup>*Missouri Republican* (St. Louis), 9 November 1838.

<sup>7</sup>Prior to the arrival of General Clark, General Samuel D. Lucas held a court-martial of seven Mormon leaders, including Joseph Smith, and sentenced them to be shot. Opposition from other officers dissuaded Lucas from executing the men. Governor Boggs, after receiving reports that General Clark was also considering a court-martial of Mormon prisoners, instructed Clark: “You will not attempt to try them by court-martial, the civil law must govern” (Governor Boggs to General Clark, 19 November 1838, in *Document Containing the Correspondence, Orders, &c. in Relation to the Disturbances with the Mormons; and the Evidence Given before the Hon. Austin A. King* [Fayette, Mo.: Boon’s Lick Democrat, 1841], 81 [hereafter cited as *Document*]). The court record of the Richmond hearing is contained in *Document*, 97–151. *Document* contains the testimonies of all but three witnesses who testified at the Richmond hearing. The testimonies of the three other witnesses (George Walter, Robert Snodgrass, and Abner Scovel) are found in James H. Hunt, *Mormonism: Embracing the Origin, Rise and Progress of the Sect, with an Examination of the Book of Mormon; also Their Troubles in Missouri and Final Expulsion from the State* (St. Louis: Ustick and Davies, 1844), 217–19, 227–28.

<sup>8</sup>George M. Hinkle to W. W. Phelps, 14 August 1844, in S. J. Hinkle, “A Biographical Sketch of G. M. Hinkle,” *Journal of History* 13 (October 1920): 452. Hinkle was referring to the seventy men, most of whom fought in the Crooked River battle, who fled Far West during the night of 31 October 1838.

<sup>9</sup>Report of General Clark, 29 November 1838, in *Document*, 90. Reed Peck also states that Avarad provided the names of alleged Mormon criminals (“Reed Peck Manuscript,” [Salt Lake City: Modern Microfilm, n.d.], 29, TS).

<sup>10</sup>Affidavit of Thomas B. Marsh and Orson Hyde, 24 October 1838, in *Document*, 58–59.

<sup>11</sup>“Citizens of Ray County to the Governor,” 23 October 1838, in *Document*, 49.

<sup>12</sup>Ebenezer Robinson, “Items of Personal History,” *The Return* 2 (March 1890): 234.

<sup>13</sup>Morris Phelps, “Reminiscences,” 16, TS, LDS Church Archives.

<sup>14</sup>Letter to A. B. Chambers, ed., *Missouri Republican*, 20 November 1838.

<sup>15</sup>James Amasa Little, “Biography of Lorenzo Dow Young,” *Utah Historical Quarterly* 14 (January–October 1946): 52.

<sup>16</sup>Elias Higbee to Joseph Smith, Jr., 20 February 1840, in *History of the Church* 4:82–83.

<sup>17</sup>Rigdon, *An Appeal to the American People*, 47–48.

<sup>18</sup>Testimony of Nancy Rigdon, in *Document*, 147. Nancy was a daughter of Sidney Rigdon.

<sup>19</sup>“Mormon Memoirs,” *Liberty Tribune* (Missouri), 9 April 1886.

<sup>20</sup>*Document*, 98.

<sup>21</sup>*Ibid.*, 97.

<sup>22</sup>Avarad’s entire testimony is contained in *Document*, 97–108.

<sup>23</sup>Peter Burnett, *Recollections and Opinions of an Old Pioneer* (New York: D. Appleton and Company, 1880), 63–64. Burnett served as a lawyer for the defendants at subsequent hearings in Clay and Daviess counties.

<sup>24</sup>“A History of David Pettigrew,” 8, TS, LDS Church Archives. Pettigrew was a defendant at the hearing.

<sup>25</sup>Pratt, *Autobiography*, 212.

<sup>26</sup>Little information exists to indicate how the prosecution located Mormon witnesses willing to testify for the state. Avarad, of course, turned state’s evidence to avoid prosecution. George Hinkle, who did not consider himself a dissenter, claimed he was “legally subpoenaed” (George M. Hinkle to W. W. Phelps, 452). How the prosecution identified Hinkle and other Mormons (both loyal and dissenting) as witnesses for the state is unknown.

<sup>27</sup>Testimonies, in *Document*, of Sampson Avarad (103–7), John Corrill (110), John Cleminson (114), Reed Peck (120), and John Whitmer (139); and testimony of George Walter, in Hunt, *Mormonism*, 217.

<sup>28</sup>Testimonies, in *Document*, of Sampson Avarad (98–99), John Corrill (112), John Cleminson (115), Reed Peck (117), and W. W. Phelps (122–23); a loyal Mormon witness, Morris Phelps, gave corroborating evidence regarding the speeches by Smith and Rigdon (110).



<sup>29</sup>Testimonies, in *Document*, of Sampson Avard (99–100), John Corrill (112), John Cleminson (115), Reed Peck (118), W. W. Phelps (123–24), George Hinkle (125–26), and Burr Riggs (134); two loyal Mormons, Jeremiah Myers (131–32) and Timothy Lewis (145), also gave corroborating evidence regarding Mormon depredations in Daviess County.

<sup>30</sup>Testimony of George Hinkle, in *Document*, 128; Sampson Avard (100, 107) and two loyal Mormon witnesses, James C. Owens (113) and Samuel Kimbel (138), also described this speech.

<sup>31</sup>Testimony of George Hinkle, in *Document*, 128; see also testimonies of John Corrill (111) and John Whitmer (139); and testimony of Robert Snodgrass, in Hunt, *Mormonism*, 217.

<sup>32</sup>For testimony that Joseph Smith said he would not submit to vexatious lawsuits, see testimonies, in *Document*, of John Cleminson (114), W. W. Phelps (121–22), and John Whitmer (138); one loyal Mormon, James C. Owens, gave corroborating testimony concerning this point (113).

<sup>33</sup>“Reminiscences of Columbia Prison,” 1, photocopy, LDS Church Archives.

<sup>34</sup>Testimony of Morris Phelps, in *Document*, 110.

<sup>35</sup>Testimony of Joseph H. McGee, in *Document*, 141.

<sup>36</sup>Testimonies of defense witnesses, in *Document*, of Malinda Porter (146), Delia F. Pine (146–47), Nancy Rigdon (147), Jonathan W. Barlow (147–48), Thoret Parsons (148), Ezra Chipman (148), and Arza Judd, Jr. (148–49); and testimony of prosecution witness Asa Cook (149).

<sup>37</sup>McRae and Baldwin, who were members of the same Mormon militia company, were apparently charged with treason because they allegedly claimed the Mormons intended to take Daviess County, Livingston County, and then the entire state (testimony of Jesse Kelly, in *Document*, 137). In charging these two men with treason, Judge King appears to have evaluated the evidence in a light quite favorable to the prosecution.

<sup>38</sup>For the sentencing of the defendants, see *Document*, 149–51. The total number of Mormon defendants at the hearing was sixty-four.

<sup>39</sup>The Prophet’s Letter to the Church, 16 December 1838, in *History of the Church* 3:232.

<sup>40</sup>Hyrum Smith, affidavit, 1 July 1843, in *History of the Church* 3:408–9.

<sup>41</sup>See affidavits, 1 July 1843, in *History of the Church*, of Hyrum Smith (3:406–8), Parley P. Pratt (3:425), and Lyman Wight (3:442–44); and Joseph Smith, Jr., “A Bill of Damages,” 4 June 1839, in *History of the Church* 3:370.

<sup>42</sup>“History of Oliver Boardman Huntington, Written by Himself,” 31–32, TS, Library of the Utah State Historical Society, Salt Lake City. Huntington was a fifteen-year-old Mormon resident of Adam-ondi-Ahman.

<sup>43</sup>“Autobiography of Warren Foote,” 30, photocopy, LDS Church Archives.

<sup>44</sup>Benjamin F. Johnson, *My Life’s Review* (Independence, Mo.: Zion’s Printing and Publishing Co., 1947), 42–43. It is interesting to note that Johnson reported that John L. Butler brought in nearly forty head of the Missourians’ cattle to Adam-ondi-Ahman, thus confirming the testimony of Burr Riggs, who said that he saw Butler drive in thirty-six head of cattle during the Mormon expedition to Daviess (testimony of Burr Riggs, in *Document*, 134).

<sup>45</sup>It should be noted that neither Huntington, Johnson, nor Foote stated that Joseph Smith instructed the soldiers to live off the spoils of war, as testified at the hearing. Circumstantial evidence, however, lends credence to the dissenters’ testimony. Implicit in the statements by Huntington, Johnson, and Foote is their belief that the plundering activities were part of the Mormon military strategy. Many different companies of Mormon soldiers participated in the plundering, further indicating that this was general policy rather than an isolated act of one or two Mormon militia units. Two Mormon Apostles, David W. Patten and Parley P. Pratt, led the attack on Gallatin. Moreover, the stolen livestock and property were brought back to Adam-ondi-Ahman and distributed to the Saints by the local bishop, Vinson Knight, in full view of all present. These activities were carried out while Joseph Smith directed Mormon military operations at Adam-ondi-Ahman. Even Mormons in Caldwell County, such as Warren Foote, knew about the plundering activities of their soldiers in Daviess. Finally, a loyal Mormon witness at the hearing, Morris Phelps, confirmed the dissenters’ testimony regarding the Prophet’s instructions to Mormon troops (testimony of Morris Phelps, in *Document*, 110).

<sup>46</sup>For Sidney Rigdon’s explanation of why neither Doniphan nor Caldwell County officials could order the Caldwell militia to Daviess, see Sidney Rigdon, affidavit, 1 July 1843, in *History of the Church* 3:454–56.

<sup>47</sup>For the reports of Parks and Doniphan regarding Mormon activities in Daviess County, see General Parks to General Atchison, 21 October 1838, in *Document*, 47–48; and David R. Atchison and Alexander W. Doniphan to Lieutenant-Colonel R. B. Mason, 27 October 1838, photocopy, LDS Church Archives.

<sup>48</sup>“The Scriptorium Book of Joseph Smith Jr. President of The Church of Jesus Christ, of Latterday Saints in All the World,” 47, photocopy, LDS Church Archives.

<sup>49</sup>Ebenezer Robinson, “Items of Personal History,” *The Return* 1 (October 1889): 145–48; and *ibid.* 2 (February 1890): 218–19.

<sup>50</sup>Affidavit of Joseph Smith et al., 15 March 1839, in “Appeals to Supreme Court of Missouri,” 209.

<sup>51</sup>Morris Phelps, “Reminiscences,” 3–5; see also Little, “Biography of Lorenzo Dow Young,” 52–53.

<sup>52</sup>For a more detailed description of Mormon sources referring to Danite activities, see “Rumblings of a Conflict,” chapter 3 of my forthcoming book, *The 1838 Mormon War in Missouri* (Columbia, Mo.: University of Missouri Press, 1987).

<sup>53</sup>The Prophet’s Letter to the Church, 16 December 1838, in *History of the Church* 3:231.

<sup>54</sup>Testimony of John Cleminson, in *Document*, 114; see also testimonies of John Corrill (110–13) and Reed Peck (116–20).

<sup>55</sup>Brigham Young, affidavit, 1 July 1843, in *History of the Church* 3:433.



<sup>56</sup>Hyrum Smith, affidavit, 1 July 1843, in *History of the Church* 3:404.

<sup>57</sup>Parley P. Pratt, affidavit, 1 July 1843, in *History of the Church* 3:432.

<sup>58</sup>Albert P. Rockwood, Journal, 6 October 1838 to 30 January 1839, 2, TS, LDS Church Archives (original in the Yale University Library, New Haven, Connecticut). Rockwood was a Mormon resident of Far West. The Army of Israel to which he referred consisted of Mormon troops organized separately from the state militia units.

<sup>59</sup>See, for example, Reddick N. Allred, "The Diary of Reddick N. Allred," *Treasures of Pioneer History*, comp. Kate B. Carter, 6 vols. (Salt Lake City: Daughters of the Utah Pioneers, 1956), 5:300–301; "Elder John Brush, by Two Friends," *Autumn Leaves* 4 (March 1891): 130–31; and John Taylor, "Discourse, March 5, 1882," *Journal of Discourses*, 26 vols. (London: Latter-Day Saints' Book Depot, 1855–86), 23:37.

<sup>60</sup>"A Sketch of the Life of James Henry Rollins," 7, TS, LDS Church Archives.

<sup>61</sup>Rockwood, Journal, 11.

<sup>62</sup>Foot, "Autobiography," 29–30.

<sup>63</sup>Joseph Smith, Jr. et al., "The Political Motto of the Church of Latter-day Saints," in *History of the Church* 3:9; and Peter Crawley, "Two Rare Missouri Documents," *Brigham Young University Studies* 14 (Summer 1974): 527. The "Political Motto" was a short statement by Joseph Smith and other Mormons on democracy and the Constitution.

<sup>64</sup>Quoted in Dean R. Zimmerman, *I Knew the Prophets: An Analysis of the Letter of Benjamin F. Johnson to George F. Gibbs* (Bountiful, Utah: Horizon, 1976), 26.

<sup>65</sup>Petition of Lyman Wight, 15 March 1839, in "Appeals to Supreme Court of Missouri," 202–3.

<sup>66</sup>Affidavits, 1 July 1843, in *History of the Church*, of Hyrum Smith (3:408) and Lyman Wight (3:443).

<sup>67</sup>Phelps, "Reminiscences of Columbia Prison," 1.

<sup>68</sup>"Life of James H. Rollins," 8.

<sup>69</sup>Huntington, "History," 38.

<sup>70</sup>John Murdock, Journal, 106, photocopy, LDS Church Archives. Murdock stated, incorrectly, that no one was allowed to testify for the defense.

<sup>71</sup>Robinson, "Items of Personal History," 235. Robinson was a defendant at the hearing. The threats by Missouri officials to prosecute witnesses who refused to cooperate does not necessarily represent a violation of the law—this tactic is occasionally used by law-enforcement officials to obtain evidence from suspected criminals—but the power to prosecute can also be abused. According to Mormon reports, their witnesses believed they would be charged with crimes, regardless of their innocence or guilt, if they did not cooperate. Although it may be true that Missouri officials purposely created this impression in order to intimidate Mormon witnesses, the court record also shows that (1) none of the Mormon witnesses for the defense was prosecuted and (2) Judge King charged the defendants according to the evidence against them.

<sup>72</sup>One of the defense witnesses, Thoret Parsons, later said that he suffered "false imprisonment" in Missouri, but he does not provide additional information regarding when, where, or for what reason he was imprisoned ("Affidavit, May 6, 1839," Missouri Claims, LDS Church Archives). Missouri law stipulated: "While any witness, for or against the prisoner, is under examination, the magistrate may exclude from the place in which such examination is had, all witnesses who have not been examined, and he may cause the witnesses to be kept separate, and prevented from conversing with each other, until they all shall have been examined" (*Revised Statutes of the State of Missouri*, 476). Many Missourians feared that Mormon witnesses would testify falsely in order to free their brethren from jail. It is possible that local officials attempted to keep the witnesses away from the courtroom and separated from each other before they testified at the hearing. Although Parsons did not state that his imprisonment was connected with the Richmond hearing, he may have been detained in order to separate him from the other witnesses. This, however, is merely speculation, since neither Parsons nor any of the other Mormons reported that they were arrested or detained because they were subpoenaed to testify for the defense.

<sup>73</sup>Erastus Snow, Journal, January 1838 to June 1841, 41–42, photocopy, LDS Church Archives; Burnett, *Recollections*, 63–64.

<sup>74</sup>*Document*, 146.

<sup>75</sup>The court record shows that during the hearing the Mormon defendants also hired a third lawyer, John R. Williams, to handle their case (see *Document*, 132, 145).

<sup>76</sup>Lyman Wight, affidavit, 1 July 1843, in *History of the Church* 3:448.

<sup>77</sup>William T. Wood, "Mormon Memoirs," *Liberty Tribune*, 9 April 1886.

<sup>78</sup>Report of General Clark, 29 November 1838, in *Document*, 93.

<sup>79</sup>Amos Rees to Abiel Leonard, 1 November 1839, Joint Collection: University of Missouri Western Historical Manuscript Collection and State Historical Society of Missouri Manuscripts, Columbia, Missouri. Although Alexander Doniphan discussed his association with the Mormons in at least two reminiscences, he makes only brief reference to serving as a lawyer for them during this period. He provides no information regarding the conduct of this hearing.

<sup>80</sup>*Revised Statutes of the State of Missouri*, 166, Article 1, Crimes and Punishments. Treason is generally thought of as a federal crime, but many state constitutions also make it a crime to commit treason against the state. John Brown, for example, was executed in 1859 for treason against the state of Virginia (Willard Hurst, "Treason in the United States," *Harvard Law Review* 58 [July 1945]: 806).

<sup>81</sup>Phelps, "Reminiscences of Columbia Prison," 1.

<sup>82</sup>Hyrum Smith, affidavit, 1 July 1843, in *History of the Church* 3:419.

<sup>83</sup>Sidney Rigdon, affidavit, 1 July 1843, in *History of the Church* 3:464.



<sup>84</sup>On 3 December, less than a week after the hearing ended, Albert Rockwood wrote: "None of [the defendants] saw fit to make any defence at all. . . . The Brethren knew it would be of little use to make a defence at this Court and likewise considered it would jeopardize the lives of the Witnesses" (Rockwood, Journal, 21).

<sup>85</sup>*History of Boone County, Missouri* (St. Louis: Western Historical Society, 1882), 216; and Robinson, "Items of Personal History," 245. Follett was not one of the defendants charged at the Richmond hearing, but was later indicted for robbery in Caldwell County. Gibbs, charged with murder for his participation in the Crooked River battle, was released when the state decided not to prosecute.

<sup>86</sup>William Carey, a Mormon, died from a blow to the head delivered by a Missouri soldier shortly after Carey was taken prisoner by state troops during the disturbances. Seventeen Mormon settlers were killed when Missouri soldiers attacked Haun's Mill two days before the Mormon surrender.

<sup>87</sup>After being charged with murder and remanded to the Richmond jail, Parley P. Pratt wrote to Judge King: "When the authorities of the State shall redress all these wrongs [against the Saints], shall punish the guilty according to law, and shall restore my family and friends to all our rights, and shall pay all the damages which we, as a people, have sustained, then I shall believe them sincere in their professed zeal for law and justice; then shall I be convinced that I can have a fair trial in the State" (Parley P. Pratt to Judge Austin A. King, 13 May 1839, in *Autobiography*, 232).

<sup>88</sup>Ironically, Mormon historians often treat Avar and the dissenters as being of the same mind, and as having testified for the same reasons. This tends unfairly to discount the dissenters' credibility—and their testimonies at the Richmond hearing. In reality, the dissenters were the first to object to Avar's character, teachings, and influence in Mormonism. Reed Peck described Avar as "the main actor in the organization of the Danites . . . [and] the scourge of every man that would not passively yield to but dared to oppose the principles of the new church government." John Corrill said Avar "was as grand a villain as his wit and ability would admit of" ("Reed Peck Manuscript," 28; John Corrill, *A Brief History of the Church of Christ of Latter Day Saints* [St. Louis: Author, 1839], 31).

<sup>89</sup>It is interesting to note that several Mormon leaders, including Brigham Young, Wilford Woodruff, Orson Hyde, and Jedediah M. Grant, later condemned Sidney Rigdon's Fourth of July oration in Far West as a foolish and overly aggressive statement of Mormon rights that unnecessarily provoked anti-Mormon violence. Brigham Young said, "Elder Rigdon was the prime cause of our troubles in Missouri, by his fourth of July oration." This is what Mormon dissenters believed, but Danite oppression kept them from making their opinions heard. For criticism of Rigdon's speech, see "Elder Rigdon's Trial," *Times and Seasons* 5 (1 October 1844): 667. See also *Times and Seasons* 5 (1 November 1844): 698; John Jaques, "The Life and Labors of Sidney Rigdon," *Improvement Era* 3 (June 1900): 583; and Jedediah M. Grant, *A Collection of Facts, Relative to the Course Taken by Elder Sidney Rigdon* (Philadelphia: Brown, Bicking & Guilbert, Printers, 1844), 11.

<sup>90</sup>At least two non-Mormons, David R. Atchison and Alexander W. Doniphan, viewed Mormon military operations as a response to anti-Mormon agitation. (See Richard L. Anderson, "Atchison's Letters and the Causes of Mormon Expulsion from Missouri," an article to be printed in *BYU Studies* 26 (Summer 1986).

<sup>91</sup>Peck, "Reed Peck Manuscript," 18.

<sup>92</sup>Hyrum Smith, affidavit, 1 July 1843, in *History of the Church* 3:421.



# The Missouri Redress Petitions: A Reappraisal of Mormon Persecutions in Missouri

Clark V. Johnson

On 10 January 1840, Philindia Myrick, who had recently fled from Missouri after Governor Lilburn W. Boggs issued the Extermination Order, filed an affidavit with Robert L. Hill, clerk of the circuit court for Jersey County, Illinois, recounting her experience during the Haun's Mill Massacre. She wrote:

The mob came [upon us] in the after part of the day with Mr Cumstock at thare hed and Commenst fireing on helpless men womens and children and thare was fifteen killed and was burried in one hole the next day and others wounded sum mortally and amung whom was my husband Levi N. Myrick instantly killed and also a child of mine mortaly wounded who died about 4 weeks after.<sup>1</sup>

So begins one of the most violent stories ever told concerning religious persecution on the U.S. frontier. Philindia Myrick's affidavit is representative of the declarations made by other Mormons who had been driven from Missouri during the fall and winter of 1838–39. These documents provide a detailed account of Mormon persecution in Missouri as recorded by those who suffered through the experience. They also reflect the cultural, economic, social, and spiritual activities of the Mormons who were present on the Missouri frontier in the 1830s.

Members of The Church of Jesus Christ of Latter-day Saints began settling western Missouri in 1831 during the Jacksonian era, at a time when small Utopian religious communities dotted the land west of the Allegheny Mountains. Their prophet-leader, Joseph Smith, dedicated several sites in Jackson County for the future use of the Church, and with determination the Mormons began to build their homes on the Missouri frontier.<sup>2</sup> As early as April 1832, troubles arose between the Mormons and their Missouri neighbors, and in 1833 mobs drove the Mormons from Jackson County.<sup>3</sup> Most of the exiles settled in Clay County, but some moved north and east to the counties of Ray, Clinton, LaFayette, Carroll, Chariton, Randolph, and Monroe, and

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to areas that later came to be known as Daviess and Caldwell counties.<sup>4</sup> Here the Saints remained long enough to build homes and plant crops. Then in 1836, mobs again began to gather in response to continuing Mormon migration from eastern states and to agitation by Jackson County residents.<sup>5</sup>

During this time, 1836–37, the citizens of Clay County undertook action to relocate the Mormons in some unsettled part of Missouri.<sup>6</sup> Finally the Mormons moved to an area that eventually became known as Caldwell County.<sup>7</sup> Again they built homes, farms, and businesses. However, they knew little rest, for during the summer and fall of 1838 mobs once more came against them. The Missourians felt threatened by the continual influx of Mormons and saw in the presence of their new neighbors a threat to their society. Mormon religious customs, which united Church members socially, economically, and politically, irritated the Missourians. These differences made the mobs more vindictive, and the violence escalated into the so-called Mormon War, which culminated in the expulsion of the Mormons from the state.

#### ORIGIN OF THE PETITIONS

As an outgrowth of the Mormon War, Joseph Smith spent the winter of 1838–39 confined in the Liberty, Missouri, jail. While imprisoned, he sent word to the Saints to prepare affidavits of their recent experiences at the hands of mobocrats, with the design of securing redress from the federal government for the losses they had experienced in Missouri.<sup>8</sup> Beginning in December 1839, members of the Church commenced recording their Missouri experiences and swearing to their authenticity before civil authorities. These officials included justices of the peace, clerks of the circuit court, and notaries public in two counties in Iowa and ten counties in Illinois. This article is based on a study of 823 petitions from 683 petitioners, most of which are located in the following collections:

- (1) A register prepared by Thomas Bullock, who acted as Joseph Smith's scribe during the later Nauvoo period. The register is five pages long and contains the names and amounts each petitioner hoped to receive as compensation from the federal government. On the final page, Bullock summarizes the claims, which totaled \$2,381,984.51, and writes in parentheses "(491 bills)." This notation represents an error of ten bills, for there are actually only 481 names listed on the register.<sup>9</sup>
- (2) A register included in the *Journal History* of the Church listing 482 names of people who swore affidavits against the state of Missouri. Though generally similar to Bullock's list, this register omits some of the petitioners on the Bullock register and gives eleven additional names that Bullock does not include.
- (3) Eighteen files in the LDS Church Archives containing 670 documents arranged alphabetically. A comparison of these documents and the registers



shows that there are 208 petitions whose signers are not listed on either register. On the other hand, the registers list thirty-six names for whom there are no petitions.

(4) The collection found in the National Archives which includes 223 petitions.<sup>10</sup>

In addition to these main collections, Joseph Smith's *History of the Church* quotes forty-four petitions; the Journal History of the Church records fifty; and the Joseph Smith Collection has five. Among the petitions in the National Archives and the LDS Church Archives are also several letters that are not really petitions for redress. I have designated them as letters of explanation, inquiry, intent, and reference. One hundred ninety people wrote two or more petitions. There are forty-eight duplicates, most of which are found in the *History of the Church*. The originals of almost all of those published in the *History of the Church* can be found in the LDS Church Archives. This fact accounts for the discrepancy between the total number of documents and the actual number of the petitions in this present study.

The Mormons presented these legal documents to the federal government on at least three different occasions in a concerted attempt to obtain reparation for their sufferings in Missouri.<sup>11</sup> Church leaders made the first appeal in 1839–40. Joseph Smith himself led a delegation consisting of Elias Higbee, Robert Foster, Sidney Rigdon, and Orrin Porter Rockwell. While they were en route to Washington, Sidney Rigdon became ill, and Robert Foster and Orrin Porter Rockwell stayed behind to care for him while Joseph Smith and Elias Higbee continued their journey. Rockwell, Rigdon, and Foster later joined Joseph Smith and Higbee in Washington.<sup>12</sup> This committee made every effort to get the Mormon cause before the U.S. Congress. Joseph Smith not only interviewed President Martin Van Buren, but also discussed the Mormon experience in Missouri with other national leaders as well. Even after he returned to Nauvoo, the Prophet kept up an almost constant correspondence with the Illinois congressional delegation, and he also asked other Church leaders, such as Elias Higbee and, later, Orson Hyde, to keep the Mormon cause before the Congress and the public. Letters he wrote and received during the final years of his life, 1840–44, indicate that he never gave up trying to obtain the Saints' legal rights from the federal government.<sup>13</sup>

A second formal appeal was made in 1842. It is not clear who led the second delegation; however, Elias Higbee, Elias Smith, and John Taylor signed the general petition used as an introduction to the individual petitions which were submitted to Congress at that time.<sup>14</sup> The third appeal, made in 1844, was different in that instead of submitting individual petitions Church leaders sent a single petition fifty feet long rolled together like a scroll. After a four-page introduction



summarizing the sufferings of the Latter-day Saints in Missouri, 3,419 people attached their names.<sup>15</sup>

It is possible that the Church intended to make another appeal to the federal government since thirteen of the petitions found in the LDS Church Archives are dated 1845. These petitions, signed by individuals, are similar to those prepared in 1839 and 1841 and are scattered throughout the collection.

The affidavits carried to Washington in 1839–40 contain bills or simple statements of property losses in Missouri. Elias Higbee apparently brought these bills back to Nauvoo when he returned from Washington in 1840.<sup>16</sup> No one retrieved the 1842 petitions, and the Judiciary Committee ordered them placed in the National Archives once they had finished with them.<sup>17</sup> Perhaps the petitions were left in Washington purposely since the Saints continued to lobby Congress until 1846, trying to secure their rights. It appears that these petitions formed the basis for efforts made by Orson Pratt, Orson Hyde, Jesse C. Little, and others as they continually sought to place the Mormon cause before the members of Congress and the president of the United States.<sup>18</sup>

In comparing the National Archives collection with the collection in the LDS Church Archives, one can see that the latter collection deals with monetary losses whereas the National Archives collection describes the individual suffering and the personal atrocities perpetrated by the mobs of Missouri upon the Latter-day Saints. The three appeals formally made to the U.S. Congress may be summarized in the following way: In the 1839–40 appeal, the Saints wrote simple bills enumerating their losses of goods and property in hope of obtaining financial redress. While money was a part of the 1842 effort, the majority of the petitions described the abuses, whippings, suffering, starvation, and other depredations the petitioners had suffered in Missouri. The 1843 appeal was quantitative, aimed at demonstrating to Congress that these mobbings affected more than just a handful of people.

#### CONTENTS OF THE PETITIONS

The earliest petitions begin with the mobbings in Jackson County, and the latest end with the persecution caused by Governor Boggs's Extermination Order. In addition, these documents give insights about the petitioners themselves. Of the 703 petitioners who personally filed affidavits, there were seventy-six women and 627 men. Twenty-five men and eleven women were illiterate. Twenty-nine had witnessed the Haun's Mill Massacre or arrived shortly after the event; seventeen claimed personal knowledge of the events and sufferings at DeWitt; eleven were at the Gallatin election; three described the events at Crooked River;



and twenty-three were at Adam-ondi-Ahman. One hundred and six men and three women claimed that they were taken prisoner by the Missouri militia or mobs, and twenty-one Mormons were reported killed.

These documents range from a few lines, such as the petitions sworn by Daniel Cathcart and Stephen Blackman, or a page, such as those sworn by Nahum Curtis and Albern Allen, to long narratives such as those prepared by Joseph Smith, Parley P. Pratt, and John P. Greene. To facilitate further study, I have cataloged the petitions into three groups: “Bills of Damage,” “General Petitions,” and “Event or Place Petitions.” “Bills of Damage” are documents that make claims against the state of Missouri for property lost. The “General Petitions” give sweeping narratives of the Mormon suffering in Missouri but do not give much detail, even though they list specific places and events. The “Event or Place Petitions” most often describe vividly the experiences individuals had at certain times and places in Missouri.

### *Bills of Damage*

Simons Curtis claimed the smallest amount, sixty-three cents,<sup>19</sup> and Edmond Nelson filed the largest claim, \$5,000 for loss of property and \$500,000 for loss of citizenship.<sup>20</sup> Some might question Nelson’s motives for his obviously exaggerated figure, but it may have been his way of showing the frustration and disgust he felt at the violation of his human rights in Missouri. The brief petitions of Daniel Cathcart and Steven Blackman serve as examples of the kind of information contained in the bills of damage petitions:

State of Missouri Dr. to Daniel Cathcart For damages Sustained by loss of property in Davis Co by being driven from the state \$200 sickness by exposure \$500 [signed] Daniel Cathcart Sworn to before me the sixth day of May AD 1839, C. M. Woods, clerk, circuit court, Adams Co., Illinois.<sup>21</sup>

State of Missouri Dr to Stephen Blackman, For damage and loss of property by burning and being driven from the State \$150. For damage by loss of Son there is no earthly consideration can compensate [Signed] Stephen Blackman. Sworn to before me this sixth day of May AD 1839, C. M. Woods, clerk, circuit court, Adams Co., Illinois.<sup>22</sup>

Most of the bills contain only two or three lines, but others are more extensive, such as the one sworn by Nahum Curtis, who gave an elaborate account of the land and personal property he lost in Missouri:



An account that I Nahum Curtis have against the State of Missouri in  
Consequence of Mobocracy:

To expenses moveing from the State of Michigan to the state of Missouri	\$50.00
To eight weeks that it took me to go with my family from Michigan to Missouri at \$1 per day	\$48.00
To Eight weeks time each for my Two boys	\$96.00
To Loss on Land which I sustained in consequence of being driven from Missouri	\$1520.00
To Loss of time for myself and son in time of waring against the Mob six months each at one dollar per Day	\$312.00
To Loss on Corn potatoes & oates and hay	\$150.00
To Loss of ploughs	\$5.00
To Loss on Cattle and Hogs	\$55.00
To one horse Taken by the Militia	\$50.00
To Loss of wagon in Consequence of mob Stealing it from me	\$20.00
To Expenses Moving from Missouri to Illinois	\$25.00
To wagon & team Moveing me to Illinois	\$40.00
To Money and property given to help the poor	\$50.00
To teams to help the poor out of the state of Missouri to Keep them from being killed by mob	\$40.00
Total	\$2461.00

As an appendix to this bill Curtis wrote a few lines about his personal suffering:

I Shall not put any price upon my sufferings as your honorable body will  
Consider that I was a fellow Sufferer with the Rest and when you Judge  
what others ought to have you will consider that I had ought to have  
an equal proportion with the rest.<sup>23</sup>

Of the 190 petitioners who wrote more than one petition, the first petition generally claimed monies, properties, abuses, etc., suffered in Missouri while the second petition usually gave a detailed account of what happened in an event or at a place. Of the 703 petitions, ninety-eight made no monetary claim against Missouri. The remaining 605 claimed a total of \$2,275,789, for an average of \$3,761. Claims for land came to \$197,911; for improvements and property, defined as livestock, houses, personal property, etc., the claims totaled \$197,127. Joseph and Hyrum Smith each claimed \$100,000 and gave no breakdown of expenditures.<sup>24</sup> Many petitioners gave more detailed information concerning the property that they owned.

Two hundred thirty-two petitioners stated that they purchased a total of 6,501 acres of land for \$55,046, an average of less than nine dollars per acre. They each claimed an average of \$237.27 for land. Nine dollars per acre for land in Missouri in 1839 was not extremely high. Joseph Smith, Sidney Rigdon, and Elias Higbee, in their 1839 petition, stated that the price for land ranged from ten dollars per acre for undeveloped prairie land to \$425 per acre, depending on the location



and the type and number of improvements. Some of the land purchased by the Saints was called "congress land," which could be bought originally at \$1.25 per acre; however, some of the Mormons paid between five dollars and \$415 per acre for congress land and received preemption certificates which gave a settler the right to purchase the lands when the federal government placed them on the market. Few Mormons actually possessed deeds to the lands they farmed. In the meantime, they settled the land, tilled the ground, and built houses and barns, thus increasing the value of the property. The petitions indicate that most of them owned at least one town lot and forty acres. A few owned eighty acres. Only a very few who had lived in Missouri for several years owned several hundred acres. Probably the reason they owned so little property was the recency of arrival in Missouri. Of 176 petitioners who indicated the year they arrived in Missouri, fifty-eight had come between 1831 and 1836, and 126 had entered the state between 1837 and 1839. One claimant arrived in 1839. Thus, the majority of the petitioners arrived just in time to be expelled, and several indicated that they were detained by mobs while on their way to Far West.

Another example of a bill of damage petition was sworn to by Albern Allen, who apparently did not experience any particular personal brutality but was forced to sign away his property. Allen's petition was dated 7 January 1840 and sworn before William Laughlin, a justice of the peace for Adams County, Illinois. Allen claimed a total of eighty acres. His petition is unique in that it defines his property in the precise terms used by the county clerk who recorded the property in the county records. He had land duplicates or deeds of intent in Caldwell County, which he yielded to the mobbers, verifying that he owned the "N.E. 1/4 of S.W. 1/4 of section 32 Township No 56 Range 28 North of the base line and west of the 5th principal Meridian also the N W. 1/4 of the South E 1/4 Section 32 Township 56 range 29 North of the base line of the 5th principal Meridian." The petition also stated that he was "taken prisoner" and forced to "sign away his land" before being compelled to leave the state.<sup>25</sup> Allen's petition is typical of many that claimed the settlers had been forced to sign over their lands to the Missouri militia at Far West.

#### *General Petitions*

Parley P. Pratt wrote the most extensive petition, consisting of sixty-four printed pages. This petition begins with a review of the suffering of the Saints in Jackson County and ends with the Missourians driving them from the state in 1838-39. Included also are some of Pratt's experiences in Missouri prisons. Even though Pratt published it in Detroit in 1839, this petition was not sworn until 15 January 1842 at



Nauvoo before Justice of the Peace John Johnson.<sup>26</sup> Pratt's petition is representative of the general petitions which are best described as long narratives, holographic or printed, that report the plight of the Mormons in Missouri but do not contain the details given by the individual petitioners. Included among the general petitions are a twenty-eight page document dated 27 January 1840 and signed by Joseph Smith, Sidney Rigdon, and Elias Higbee;<sup>27</sup> a twenty-four page document dated 10 January 1842 and signed by Elias Higbee, John Taylor, and Elias Smith;<sup>28</sup> and the fifty-foot scroll dated 28 November 1843 and signed by 3,419 people.<sup>29</sup> All of these documents described the suffering of the Mormons in Missouri and were used to introduce the individual claims.

#### *Event or Place Petitions*

Smith Humphrey's petition, sworn before Joseph Orr, justice of the peace for Adams County, Illinois, on 8 January 1840, illustrates the event or place category. Humphrey declared that he purchased a farm near the town of DeWitt in the summer of 1838 and planned on settling there. He claimed to have been an eyewitness to much that happened in and around DeWitt on 19 August 1838, stating that he was taken prisoner by a force of about one hundred men commanded by a Colonel Jones. During the time he was a prisoner, they threatened his life and declared that they were going to "drive them [Mormons] from that county." Humphrey further swore that in the first days of October of the same year he arose early one morning and found that his "stables had been set on fire by some unknown hand during the night." His declaration continues, "I was met by a party of 12 armed men commanded by Captain Hiram Standly who took me a prisoner back to my own house & there compelled me to remove my goods from my house by their help in the presance of my self & family Set fire to & burned my two blocks of houses." When he was driven from his home, his wife was "sick with the ague," and the mobbers forced him to move his family to DeWitt, where they remained until 11 October. According to Humphrey, the mob harassed him constantly "by night & by day," and they fired into the town. The people of DeWitt petitioned local county officers for help but received none. Finally, sick and starving, they abandoned DeWitt and moved to Caldwell County where they arrived on 13 October 1838. Humphrey wrote that "one woman died on the road."<sup>30</sup>

Philindia Myrick, Nancy Cary, and Christiana Benner, together with other women, wrote testimonials concerning the deaths of their husbands. Christiana Benner claimed \$5,150 in property and then stated that "my husband was killed at Haun's Mill by a mob who robbed



me of my goods and land and have left me destitute of a companion or means of support.’’<sup>31</sup> At least one woman wrote of the personal abuse she suffered at the hands of a mob. Ruth Naper, who survived the Haun’s Mill Massacre, wrote concerning an attempted assault upon her:

After a few days there came back a large company of armed men and took possession of Haun’s mill and they also crowded into our house and crowded me and my children away from the fire without my consent they lodged there and one night one of them came to my bed and laid his hand upon me which so frightened me that I made quite a noise and crept over the back side of my children, and he offered not further insult at the time. This company camped in the neighborhood between one and two weeks.<sup>32</sup>

Although none of the petitioners directly mentioned rape, Elijah Reed witnessed the attempted abuse of a Mrs. Jimison. To escape from the mob, Reed had fled to the Jimisons’ home, where the following experience occurred on 29 October 1838:

In the night of that Day, a Company of men Came to the House & Demanded admittance & threatened to Brake Down the Door Mr J got up and opened the Door meantime I hid under the Bed the men Came in and said they were Soldiers & he must go with them his wife asked where they said to the Malitia Camp above Richmond he Dressed himself & he & one of the men went for a horse at the Stable when they had got a little from the house the man fired a gun & said that the Dmd rascal had ran from him he then returned to the house & they began to abuse Mrs Jimison wanting to sleep with her But she begged & cried for them to Desist & they Did so I lay under the Bed During this time they soon left the house & we supposed they had killed him.<sup>33</sup>

An affidavit sworn by Hyrum Smith, published in the *History of the Church*, states that one woman had been raped repeatedly by mobbers.<sup>34</sup> Parley P. Pratt, in his petition sworn at Nauvoo, states that he knew of one woman who had been raped but adds that “delicacy at present forbids my mentioning the name.”<sup>35</sup>

Seventy-three petitions indicate that Mormons were whipped, beaten, or abused by the mobs. Charles Hulet described the beating of his son.<sup>36</sup> Perry Keyes described how thirty men beat his father “with there gunns and ramrods.” He also describes how a mob attacked him:

I was on the Prairie hunting horses a company of men under command of Controll whiped me untill I was scarsely able to stand Controll and one of his men by the name of Yocum held me while one of the others by the name of John Youngs whipped me he gave me 23 lashes with a cowhide and all this for my relegeon for I am a member of the church of Jesus Christ of Latter day Saints commonly called Mormons.

Keyes added that a mob had “also whipped Barnett Cole and Liman Leonard most shamefully.”<sup>37</sup>



Truman Brace described his experience with a mob of fifty men on the prairie who caught him hauling a load of wood. Two rode up and demanded that Brace identify himself. According to Brace, "One of them named Young asked me if I believed the book of Mormon; I told them that 'I did.' " They then ordered him to leave the county. In response to this demand, "I told them I had neither team or means to take me and my family away." Young then threatened to shoot Brace, but the other dissuaded him, and the rest of the mob rode up. Young commenced beating Brace, first with an ox goad which he broke and then with a rawhide whip. Brace said that Young "cut my Hat nearly all to pieces." This whipping apparently occurred not too far from Brace's home as his wife and daughter witnessed his plight and "entreated the mob to spare his life." Brace finally made his way into his house, but the mob followed him inside where they kicked him in the mouth and the abuse continued "in my own House."<sup>38</sup>

Tarlton Lewis, a convert to Mormonism of more than two years, "was born in South Carolina, was raised in Kentucky, and lived in Illinois about four years" before moving to Missouri in the fall of 1837. He located himself "within about one mile of Haun's Mill" and was wounded at the massacre. Of his experience at Haun's Mill he wrote:

I looked and saw a number of armed men rushing out of the woods on Horseback at the distance of twenty or thirty rods off. Their number I judged to be between two hundred and two hundred and fifty. Two of our brethren made signs and cried for quarter, but their intreaties were not heeded The company began to fire upon us instantly.

Lewis and other Mormon men took shelter in the nearby blacksmith shop. The women and children fled to the woods or crossed the millrace where they found shelter in the brush and trees on the far side. The blacksmith shop, instead of a shelter, soon became a death trap. Lewis wrote, "I staid there until six or eight had fallen around me being shot down by balls, which came through the Cracks. Six of us left the shop about the same time and were the last that left it." Of the six who fled the blacksmith shop, Lewis wrote that they were "all either killed or wounded in the attempt to make our escape. I was shot through the shoulder." The day following the massacre, the survivors, mostly women, buried their dead. Lewis stated that "there were fifteen killed" and "ten or eleven men, two boys and one woman wounded." The mobbers continued their harassment of the survivors as they visited the settlement repeatedly during the weeks that followed. Lewis wrote:

While I was confined with my wound, companies of six or eight came to my house three or four times enquiring for arms [and] threatning to take me a prisoner and carry me off. Twice they examined my wounds to see if I were able to be moved but concluded that I was not.<sup>39</sup>



Nathan Knight, also a victim of the Haun's Mill incident, estimated the mob forces to be at least three hundred men, all mounted on horses. He said they were commanded "to halt and form a line of battle" and "immediately commenced firing as they came into line." Knight swore that the mobbers frequently screamed out, "Kill all, spare none, give no quarters." He described the plight of the women and children as "wholly destitute of any presence of mind," saying they were "screaming murder &c &c." With bullets "flying in every direction," he "saw many of his friends lay bleeding in their gore." He further testified that he "cried for quarters," to which mobbers replied, "We have no time to quarter you, but God damn you we will have you presently." Though severely wounded, Knight "raised to his feet and through their thickest fire made his way several rods over a hill and thus made his escape." For six weeks he hovered between life and death, and although he recovered somewhat from his wounds he remained a cripple the rest of his life.<sup>40</sup>

Knight's affidavit does not give the number of those wounded or dead, but Moses Kelly claimed that the mob continued firing until "there were seventeen or eighteen killed and some eight or ten wounded."<sup>41</sup> David Demming, who was upstream on Shoal Creek working and away from Haun's Mill at the time of the massacre, returned to the small settlement to find "14 of my brethren . . . killed" and noted that three or four others died a few days later.<sup>42</sup>

One of the most descriptive petitions regarding personal abuse suffered at the hands of mobocrats was sworn by William Seely. Seely claimed that in March 1838 he moved his family to Missouri and stopped in Daviess County, where he purchased congress land for two hundred dollars. On 10 October a mob came to his home and forced him to leave his property and move to Caldwell County, Missouri. On 24 October 1838, he went to Bunkham's Strip to see "one Mr. Pinkham on business." While at Pinkham's,

He was stripped and searched to see if he had any arms, by which he lost a Jack-knife, the only weapon, offensive or defensive which he had about him; the armed men he believes were fifteen in number, two of whom caught him by the collar, thrust him out of doors, dragged him over a pannel of fence so vehemently as to do him bodily injury while at the same time a third one facilitated his course by the application of his foot to the rear of his body When over he was asked if he was a mormon, to which he replied that he was.

At this point his captors threatened him with death, and he was forced to go with them. Soon they joined Captain Samuel Bogart's company consisting of about seventy men. According to Seely, "Question then arose what shall we do with the prisoner, many said at once, 'put him to death.' " This was the cry of those "volunteers who joined Bogart's



company, many of whom were not liable to duty by Law, but who volunteered to give a martial covering to the bloody deeds which they sought to perpetrate.”

The following day, when Seely’s friends came to his rescue, Seely said that Bogart’s men fired upon the approaching Mormons and that “one man fell.” The mobbers then forced Seely to stand

in front of Bogart’s Company So as to be Exposed to the fire of both sides, about 12 feet from Bogarts line. At the word “fire” by Bogart this affiant attempted to escape but was shot in the left shoulder by some one of Bogarts men, which prostrated him to the Earth, and he was supposed to be dead, but his friends took him and carried him to his family where after four months tedious confinement he in a measure recovered of his wounds.<sup>43</sup>

It should be apparent that even though the event or place petitions do not always specify monetary losses, they provide detailed accounts of the events that drove the Mormons from county to county in Missouri and finally from the state.

A careful examination of all the petitions shows that even though they come from five separate collections they tell essentially the same sobering story. When compiled for analysis, they not only give a panorama of the Mormon experience of persecution in Missouri, but also supply information on Mormon wealth, migration to Missouri, and personal property (such as chairs, tables, bedroom furniture, farming implements, livestock, land, and horses), showing, for example, that the average price for house timber was \$354.

Individually, most of these affidavits do not have much significance. Collectively, however, they not only describe Mormon life in Missouri but also tell a unified story of murder, rape, beating, thievery, and general lawlessness perpetrated upon the Saints while they were in Missouri. They make clear that the abuses which the Mormons suffered were not the result of spontaneous uprisings led by drunken town rabble (although there were clearly opportunists among the mobbers) but that these uprisings carried the sanction of the local and state governments. The petitions imply that the mobbing had a twofold objective: first, to drive all the Mormons into Caldwell County; and second, to drive them from the state. Both objectives were achieved. The petitions also indicate—at least from the petitioners’ point of view—that religious differences were central to the conflict. Time and time again mobbers asked the Mormons if they were followers of Joseph Smith, members of The Church of Jesus Christ of Latter-day Saints, or believers in the Book of Mormon.

As for the petitioners themselves, it is clear that they felt they were driven from Missouri because of their religious beliefs. It appears that they could have spared themselves great abuse and suffering if they



had denied their faith, given up their membership in the Church, or denounced the Book of Mormon. They could have kept their homes and remained in Missouri in peace. Why did they persist in their belief? For them the answer must have been a deep, inner spiritual conviction that what they believed was right.

Although this study has not attempted to examine both sides of the Mormon persecutions in Missouri, it has graphically substantiated, from legally sworn documents, the suffering and abuse committed by one people upon another largely because of their differences of opinion regarding religious beliefs. Simply stated, the Missouri redress petitions tell the story of a people wrongfully deprived of their rights as free men and women under the constitutions of the state of Missouri and the United States.

## NOTES

<sup>1</sup>Missouri Redress Petitions, United States National Archives, collection no. HR27A-G10, boxes 141 and 142 (hereafter cited as National Archives). Unless otherwise indicated, National Archives citations are to photocopies of the National Archives collection in the Harold B. Lee Library, Brigham Young University, Provo, Utah. There are fourteen folders in this collection. For the Myrick affidavit, see folder 12:31-32. The petitions quoted in this study have been kept in their original form as much as possible, with spelling and punctuation unchanged.

<sup>2</sup>Joseph Smith, Jr., *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2d ed. rev., 7 vols. (reprint; Salt Lake City: Deseret Book Co., 1964), 1:191-202 (hereafter cited as *History of the Church*).

<sup>3</sup>H. Roger Grant has pointed out that although several utopian communities settled in Missouri during the nineteenth and early twentieth centuries, the Mormons were the only such group to have such intense difficulties with their Missouri neighbors (see H. Roger Grant, "Missouri's Utopian Communities," *Missouri Historical Review* 66 [October 1971]: 27, 48).

<sup>4</sup>Pearl Wilcox, *The Latter-Day Saints on the Missouri Frontier* (Independence: Herald House, 1972), 159. The Missouri Redress Petitions state that the Mormons lived in the counties listed (see National Archives and also Missouri Claims, Library-Archives, Historical Department, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah [hereafter cited as LDS Church Archives]).

<sup>5</sup>See Maurice L. Draper, "A Commentary on the Missouri Redress Petitions: New Evidence of the Mormon Side of the Missouri Conflict in 1834 and 1838" (Paper presented at the Mormon History Association Symposium, Rexburg, Idaho, 2 May 1981).

<sup>6</sup>"A History, of the Persecution, of the Church of Jesus Christ, of Latter Day Saints in Missouri," *Times and Seasons* 1 (February 1849): 49-51.

<sup>7</sup>Caldwell County was created by the Missouri legislature for the Mormons (see Grant, "Missouri's Utopian Communities," 22).

<sup>8</sup>The Lord instructed Joseph Smith to have the Saints assemble all their grievances against Missouri, to organize a committee, and to present the information to the government (D&C 123:1-4, part of one of the three revelations received by Joseph during his internment at Liberty).

<sup>9</sup>Missouri Claims, folder 1.

<sup>10</sup>Paul C. Richards discovered part of this collection in 1968 and published an analysis of it in 1973 (see Paul C. Richards, "Missouri Persecutions: Petitions for Redress," *Brigham Young University Studies* 13 [Summer 1973]: 520-43).

<sup>11</sup>Richards, "Missouri Persecutions," 520, 522, 524.

<sup>12</sup>*History of the Church* 4:13, 19, 21, 48.

<sup>13</sup>Clark V. Johnson, "The Mormons before Congress, 1839-1846," unpublished paper.

<sup>14</sup>Richards, "Missouri Persecutions," 522-23.

<sup>15</sup>National Archives, folder 5; see also Richards, "Missouri Persecutions," 520, 524. While working with this collection at the National Archives in 1980, I noted that these pages have been separated and when placed on a table make a stack approximately one to one-and-a-half inches tall.

<sup>16</sup>Richards, "Missouri Persecutions," 522-23.

<sup>17</sup>*Ibid.*



<sup>18</sup>Johnson, "The Mormons before Congress."

<sup>19</sup>Curtis paid thirty-eight cents to a gun keeper and twenty-five cents to a justice of the peace to redeem his gun (*History of the Church* 4:67–68).

<sup>20</sup>Edmond Nelson, LDS Church Archives (folder numbers for the petitions in the LDS Church Archives are not needed; they are arranged alphabetically).

<sup>21</sup>Daniel Cathcart, LDS Church Archives.

<sup>22</sup>Stephen Blackman, LDS Church Archives.

<sup>23</sup>Nahum Curtis, LDS Church Archives.

<sup>24</sup>*History of the Church* 3:327. Other sources indicate that Joseph paid out in excess of fifty thousand dollars in lawyers' fees in Missouri.

<sup>25</sup>Albern Allen, National Archives, folder 11:50.

<sup>26</sup>Parley P. Pratt, National Archives, folder 2.

<sup>27</sup>Joseph Smith, Sidney Rigdon, and Elias Higbee, National Archives, folder 4.

<sup>28</sup>Elias Higbee, John Taylor, and Elias Smith, National Archives, folder 5.

<sup>29</sup>National Archives, folder 6.

<sup>30</sup>Smith Humphrey, National Archives, folder 11:10.

<sup>31</sup>Christiana Benner, LDS Church Archives.

<sup>32</sup>Ruth Naper, National Archives, folder 8:36.

<sup>33</sup>Elijah Reed, National Archives, folder 10:34–45. *Jimison* is also spelled *Jameson*. Charles Jameson escaped from the mob that night, survived the Haun's Mill Massacre, and swore his own petition on 20 January 1849, before J. C. Young, a justice of the peace for Madison County, Illinois.

<sup>34</sup>*History of the Church* 3:422.

<sup>35</sup>*History of the Church* 3:428. Pratt writes: "They also named one or two individual females of our society, whom they had forcibly bound, and twenty or thirty of them, one after another, committed rape upon them. One of these females was a daughter of a respectable family with whom I have been long acquainted, and with whom I have since conversed and learned that it was truly the case."

<sup>36</sup>Charles Hulet, National Archives, folder 11:22–23.

<sup>37</sup>Perry Keyes, National Archives, folder 11:17.

<sup>38</sup>Truman Brace, National Archives, folder 9:24–25.

<sup>39</sup>Tarlton Lewis, National Archives, folder 8:39–40.

<sup>40</sup>Nathan K. Knight, National Archives, folder 8:25–27.

<sup>41</sup>Moses Kelly, National Archives, folder 11:44.

<sup>42</sup>David C. Deming, National Archives, folder 11:29.

<sup>43</sup>William Seely, National Archives, folder 14:11–14; Seely's petition is written in the third person.



# The Land Question at Adam-ondi-Ahman

Leland H. Gentry

## I

Creating a county “expressly for the Mormons”<sup>1</sup> was proposed as a solution to the so-called Mormon problem in Missouri in the 1830s. All non-Mormons residing in the area would be induced to sell out and move on. No longer would the Latter-day Saints be free to settle wherever they pleased throughout the countryside. One source reports:

The proposition suited every one. The Gentiles said, “If the Mormons are willing to go into that prairie country and settle, let them have it and welcome.” The Mormons said, “If we may be allowed to remain peaceably and enjoy our religion, we will go into any country that may be set apart for us, no matter how wild and unbroken it may be, and we will make it blossom as the rose. If we obtain political control of a county, we will honestly administer it and be loyal in all things to the State government over us.”<sup>2</sup>

Many people aided in the creation of the new county, but none deserves more credit than Alexander W. Doniphan,<sup>3</sup> personal friend of and sometime legal counselor for the Saints. Through Doniphan the Mormons petitioned the Missouri legislature to create the new county from the northern half of Ray County. Non-Mormon opposition, however, compelled Doniphan to accept a compromise. Two counties, Caldwell for the Mormons and Daviess for the non-Mormons, were created. Governor Lilburn W. Boggs signed the bill into law on 29 December 1836.<sup>4</sup>

## II

As long as Caldwell County contained sufficient unclaimed land for settlement, both Mormons and non-Mormons were relatively content. Later, when the Saints in Kirtland, Ohio, and other eastern communities were compelled to find new homes, upper Missouri once again became a focal point for tension. Caldwell County was soon fully occupied, and Mormons began to spill over into the adjoining counties of Clinton, Daviess, and Carroll. Non-Mormons immediately became

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concerned, insisting that the Saints had violated their agreement, although Mormons bought and paid for all lands obtained. Other accusations followed. The *History of Caldwell and Livingston Counties* states:

It is claimed that all the Mormon settlements outside of this county [Caldwell] were made with the prior consent of the inhabitants then living where the settlements were made; the consent was obtained, in nearly every instance, by the payment of money, either for the lands of the pioneer Gentiles or for some articles of personal property they owned. Money was scarce in those days, and although the pioneers did not approve Mormon doctrines, they did approve of Mormon gold and silver, and they were willing to tolerate the one if they could obtain the other. But afterward certain of the Gentiles claimed that the Mormon occupation had been by stealth and fraud, and *perhaps in some instances this was true.*<sup>5</sup>

In September 1837, Joseph Smith and Sidney Rigdon visited Far West, Missouri, having been invited by the Saints in Kirtland to investigate “other stakes, or places of gathering,” and to report their findings.<sup>6</sup> Shortly after the arrival of Joseph and Sidney, Oliver Cowdery, David W. Patten, Lyman Wight, and John Corrill were appointed to locate potential settlements. On 7 December Cowdery and Patten reported, and their labors were declared acceptable. At a special conference three days later, those present concluded that there were “plenty of provisions in the upper counties of Missouri” to sustain all Saints who wished to come.<sup>7</sup> A new committee, composed of Oliver Cowdery, David Patten, Lyman Wight, and Frederick G. Williams, was delegated to investigate further.<sup>8</sup> They centered their attention on Daviess County where Lyman Wight and other Saints were already settled. By 21 January 1838, Oliver Cowdery was able to report in a letter to Joseph Smith that he had spent twenty days exploring in Daviess County. “I found a great many of the finest mill sites in the western country,” he wrote, “and made between forty and fifty choice locations.”<sup>9</sup>

By the time Joseph Smith arrived in Far West as a permanent settler in March of 1838, exploration efforts had ceased entirely. Oliver Cowdery and other leading men of the Church had become disaffected, while David Whitmer and his counselors had been rejected by the Church as Presidents in Missouri.<sup>10</sup> On 26 April 1838, Joseph received a revelation commanding the Church to give immediate attention to finding “other places . . . for stakes in the regions round about.”<sup>11</sup> Still matters lagged. Finally, on 18 May, an exploratory committee, with Joseph at its head, journeyed to Daviess County “for the purpose of visiting the north country and laying off a stake of Zion, making locations, and laying claims to facilitate the gathering of the Saints, and for the benefit of the poor, in upholding the Church of God.”<sup>12</sup>



Joseph Smith, Sidney Rigdon, Thomas B. Marsh, and others were active in this work from 18 to 28 May 1838, and various sites for settlement were chosen. One, Spring Hill, was near the home of Lyman Wight, who had moved into Daviess County in the spring of 1837. To Alanson Ripley fell the task of making a final survey and of laying out a settlement. The name selected was Adam-ondi-Ahman.<sup>13</sup>

### III

In actual fact, the Mormons had been settled in Daviess County for some time. A rather large group had gathered in Colfax Township on the county's southwestern border. Public land there had been put on the market as early as 1836, and some Saints in adjacent Caldwell County lost no time in seizing the advantage.<sup>14</sup> James H. Hunt, a local resident, reports:

It would be well to state here that at this time all the lands in Daviess County, excepting Colfax Township, were subject to pre-emption, not having as yet been brought into market. Colfax Township had been surveyed at the same time Ray and Caldwell Counties were, and was therefore in market. Here another settlement of Mormons was made, composed principally of a better class who were able to purchase their lands and improve them.<sup>15</sup>

Government lands further north in Daviess County were not yet available for public sale. These lands could be claimed, however, with what was called a *preemption right*. Preemption rights permitted squatters to move into an area, improve a piece of land, and have first claim to buy the land when the government opened the area for public sale.<sup>16</sup> Laws in 1834 and 1838 extended squatters' rights and even permitted settlement before an actual survey of the land had been made.<sup>17</sup> Every family head was allowed 160 acres. The going price was \$1.25 an acre.

The first official surveys of Daviess County were made in 1833. The survey charts, together with accompanying notes, describe an area of prairie and timber with only isolated squatters' cabins.<sup>18</sup> One of the first settlers in the area of Adam-ondi-Ahman was Adam Black. Settling in the Grand River Valley in 1834, Black claimed a preemption right and set about making improvements. In the spring of 1837, however, Black sold out to Lyman Wight, a Mormon, and moved north. Wight, at the time a resident of Caldwell County, reports: "I disposed of my property at low rate, and removed my family to [Daviess] County, and located myself on Grand River, made an improvement, gained to myself a pre-emption right."<sup>19</sup> This was in addition to his purchase from Adam Black.

Other Saints did the same. Mormons were soon scattered throughout Daviess County. James H. Hunt, again an on-the-spot observer, later wrote of the Saints in Daviess County:



Their settlements were mainly south of Grand River. They had one settlement on Lick Fork, near the Weldon settlement. Here a Mormon by the name of Bosley and a widow by the name of Ives, besides others whose names were not remembered, settled. . . . Further up the river and in what is now Monroe Township, the Mormons formed another settlement—this was on Marrowbone and Honey Creeks. . . . Here Perry Durfey, Roswell Stevens, Henry Belt, the Daleys, and John D. Lee settled, and others also came, whose names are not remembered.<sup>20</sup>

Following the surveys of May and June 1838, Mormon immigration into Daviess County picked up briskly. Large companies arriving in Far West from the East were counseled to settle in Daviess County. Lyman Wight reports:

About June, Joseph Smith, together with many others of the principal men of the Church, came to my house, and taking a view of the large bottom in the bend of the river, and the beautiful prairies on the bluffs, came to the conclusion that it would be a handsome situation for a town. We, therefore, commenced surveying and laying off town lots, and locating government lands for many miles north of this place. This beautiful country with its flattering prospects drew in floods of emigrants. I had not less than thirty comers and goers through the day during the three summer months, and up to the last mentioned date [30 October], there were upwards of two hundred houses built in this town, and also about forty families living in their wagons.<sup>21</sup>

The rapid influx of Mormons into Daviess County greatly agitated the non-Mormons. As early as July 1837, the Saints in the Grand River area were warned to leave the county or face the consequences. The threats were ignored, and settlement continued.<sup>22</sup>

The summer and fall of 1838 saw the county's greatest Mormon growth. In July, Joseph Smith and Sidney Rigdon "left Far West for Adam-ondi-Ahman . . . to settle some Canadian brethren in that place, as they are emigrating rapidly to this land from all parts of the county."<sup>23</sup> Three months later, in October, more than five hundred Saints known as the "Kirtland Camp No. 1" arrived in Far West. They were also counseled to settle at Adam-ondi-Ahman.<sup>24</sup>

The rapid growth of the city made necessary the immediate construction of houses. Major Joseph H. McGee, a local resident, recalled in later years that Adam-ondi-Ahman had more than five hundred inhabitants at a time when Gallatin, the nearby county seat, had but four houses.<sup>25</sup> George A. Smith records that he helped his father, John, build "a two-story log house on a lot in Adam-ondi-Ahman." He also "helped to raise twenty-five log houses in 25 days."<sup>26</sup> William Swartzell, writing on 19 July 1838, states: "All things are going on as briskly as ever. The brethren are getting lots and raising houses on them—two or three every day."<sup>27</sup>



This heavy stream of immigration threw the balance of political power heavily to the Mormon side. Already looking on the Saints as "rogues and thieves," the non-Mormons of Daviess County were "opposed to their possession of the chief political influence, such as they already possessed in Caldwell, and from the fear that they would acquire more, [the non-Mormons precipitated] the first open quarrel."<sup>28</sup> On the morning of 6 August 1838, William Penniston, a local candidate, and a group of his political supporters appeared at the polling booth in Gallatin and declared their determination to prevent the Mormons from voting. When the Saints attempted to enter the polling booth, a skirmish broke out. The Mormon War had begun.<sup>29</sup>

That the non-Mormons of Daviess County wanted the Mormons out of their county is all too obvious. That they could not have accomplished this without the help of citizens from other and more populous counties is also apparent. On 13 October 1838, General Alexander Doniphan, one of the men charged with maintaining the peace in northern Missouri, received word that men from Carroll County to the south were on their way to aid the citizens of Daviess in expelling the Mormons. Led by Sashiel Woods, a local preacher, the Carroll County men numbered more than eight hundred,<sup>30</sup> greatly augmenting the non-Mormon forces.

Events in Daviess County led to a standoff. To maintain control and prevent bloodshed, General Doniphan stationed his troops squarely between the warring factions and declared his intention to remain there until both sides disbanded and went home. He was assisted by Lieutenant General Hiram Parks and a hundred men.<sup>31</sup>

In the meantime, repeated letters from the field generals to Governor Boggs of Missouri to come to the troubled area brought no response. When at last the chief executive did decide to act, it was to issue his well-known Extermination Order: "The Mormons must be treated as enemies, and must be exterminated or driven from the State." Under the command of Major General John B. Clark several brigades of men from various parts of the state were rushed into northern Missouri. The Saints had little choice but to surrender.<sup>32</sup> The Mormons were given ten days to vacate Daviess County, which they did. All preemption rights and improvements were, of course, left behind.<sup>33</sup>

#### IV

It was common knowledge that the lands in central Daviess County would be opened for public sale on 12 November 1838,<sup>34</sup> and both Mormons and non-Mormons openly discussed the topic throughout the summer. The imminence of the sales and the Mormons' critical need for more land spurred the Saints to claim everincreasing areas of country.



The Saints later blamed Governor Boggs's Extermination Order for the loss of their property because it gave the non-Mormons license to drive the Mormons from their homes and to take Mormon property for their own.<sup>35</sup> Lieutenant General Parks was sent to Adam-ondi-Ahman on orders of General Samuel D. Lucas to effect the surrender of the Mormons there.<sup>36</sup> On 4 November, General Clark, commander of all state troops, wrote to Lieutenant General Parks and ordered him to take all Mormon men prisoners and to confiscate and hold all property, Mormon and non-Mormon alike.

Parks did as he was ordered. He also gave the Mormons ten days to leave Daviess County and ordered them to gather in Far West. Two days later, on 7 November 1838, Brigadier General Robert Wilson was dispatched by General Clark to Daviess County to oversee final operations.<sup>37</sup> By the time the land opened for public sale five days later, the Mormons had been ordered from the state and forbidden to return. The Saints at Far West, in addition, were made to deed their property over to the state to cover expenses of the war. The Saints were now almost entirely landless.

It has always been the Mormon contention that their property in northern Missouri was stolen.<sup>38</sup> One lengthy affidavit, submitted to the United States Congress as part of the Saints' appeal for redress of their grievances in Missouri, states:

And let it be here observed, in passing, that Judge Adam Black had, before that time [the election day battle] sold his improvements and pre-emption claims on which he then resided to the Latter-day Saints, and had received his pay for the same; that through his instrumentality the Saints were broken up and driven off; and that he now unlawfully retains both their money and improvements.<sup>39</sup>

This statement is probably not entirely true. While the lands in Caldwell County were entered and paid for at the public land office in Lexington, Missouri, the properties in and around Adam-ondi-Ahman were almost solely preemption lands to which the Saints and others were entitled under law but for which no money had, in most instances, been paid. (One could, for a price, transfer his improved preemption if he wished.) Eviction from the State effectively prevented the Saints from legally entering and occupying their preemptions as intended, but Adam Black did not end up with Mormon property; other non-Mormons did.<sup>40</sup>

Such appears to have been the intention of some from the very first. On leading his men from Carroll to Daviess County to aid the non-Mormons there, Sashiel Woods was allegedly overheard to say that "the land sales . . . were coming on, and if they [those living in Carroll County] could get the Mormons driven out, they could get all the lands entitled to pre-emptions," while the old settlers



in Daviess County “could get all the Lands [which they had sold to the Saints] back again, as well as [keep] all the pay they had received for them.”<sup>41</sup>

Although these are Mormon charges and therefore biased, this, in effect, is precisely what did happen. Once the Saints had been evicted, the land on which their homes and crops rested in Daviess County reverted once again to its original owners. This was accomplished without compensation, while the improved preemptions at Adam-ondi-Ahman proper were entered in the names of Sashiel Woods and his sons-in-law, John Craven and Thomas Calloway. These entries are dated 25 and 28 November and 18 December 1838, less than one month from the time the Saints were forced to vacate. Other participants from the non-Mormon side did the same. Many of these preemption entries were made within two weeks of the eviction of the Mormon settlers.<sup>42</sup>

In order to take over Mormon lands, including those in line for preemption purchase, it was necessary for the non-Mormons forcibly to evict their Mormon neighbors. So long as the Saints continued to reside upon their claims or purchases, ownership was guaranteed by law. Removal from one's claim, improved or not, was tantamount to relinquishment of ownership. Inasmuch as the land sales were imminent, at least some of the non-Mormon residents of Daviess appear to have been determined to hasten Mormon evacuation. One such incident, among many that could be cited, will suffice to show how this was done. Lorenzo Dow Young reports:

Mr. Richard Welding,<sup>43</sup> of whom I had bought my farm, came to me, accompanied by three or four others. He gave me warning to leave the country at once.

I asked him why I must leave, saying, “Have I not bought my land, and paid you for it? Have I not tended to my own business?”

He replied: “. . . The Mormons must all leave the country, and if you do not renounce them, you must go too.”<sup>44</sup>

Young refused to vacate his land. A few days later, a friendly neighbor warned him that a company of about forty men was on its way from Gallatin to enforce the eviction notice. He was urged to leave within the hour, and he did. A few days later he attempted to return to claim his household goods and stock which his hasty departure had compelled him to leave behind. He added: “I found the road strongly guarded, and the Missourians threatened to kill me if I went on. I never obtained goods, cows nor anything that I had left on my place.”<sup>45</sup>

Events in Caldwell and Daviess counties soon became critical. Those Saints who still possessed their homes and lands by title deeds needed to sell them in order to obey the governor's order to vacate the state. As soon as it became a certainty that the Mormons would



leave as ordered, the value of Latter-day Saint real estate went down. At the same time, speculators appeared on every hand, eager to take advantage of the destitute Saints who were forced to sell valuable improvements at a fraction of their worth. The legislature was drawn into the matter when it was subsequently learned that those buying Mormon lands were the very men who had been most active in the war against the Mormons. What was true of titled land was even more true of preemptions. If the non-Mormons could simply wait until the Mormons had vacated Daviess County, the latter's preemptions could be entered in the name of whoever happened to reach the land office first.

Many in the state were critical of the underhanded methods employed by the citizens of Daviess County. The influential *Missouri Republican Daily* urged an immediate investigation by a special committee appointed by the legislature. Such an inquiry, the paper insisted, would "lead to a better understanding" of the recent disturbances and would remove the heavy shadow which hovered over the reputation of the state.<sup>46</sup>

The investigation did not materialize. According to Reed Peck, "Being compelled as a people to leave their county and their homes within a stated time, great quantities of property were thrown into market, simultaneously opening a field for speculators who now reap the advantages of labor done by the banished Mormons."<sup>47</sup> On the authority of a gentleman who had recently arrived from the land office in Lexington, the St. Louis *Missouri Republican Daily* reports and concludes as follows:

At the recent land sales, the lands of Caldwell and Daviess were brought into market and some of the citizens who have been most active in the excitement against the Mormons purchased a number of Mormon tracts of land. Where the Mormons had made settlements and improvements, it is said, these citizens have purchased them for speculation. It is said that the town of Adamon Diamond [*sic*], a Mormon town, in Daviess, in which are several houses—a very valuable site for a town—was purchased at these sales for a dollar and a quarter an acre. . . .

Much as we censure the course of the Mormons, there is no act, of which we have any knowledge, which will at all compare with the unrighteousness of those who, it seems, got up this crusade, in order to obtain possession of the houses and lands of their victims.<sup>48</sup>

Thus the anxiety of certain non-Mormons to be rid of their Mormon neighbors appears to have been prompted in part by a desire to secure the lands of the Saints as soon and as cheaply as possible. In some instances, at least, non-Mormons actually forced the Saints to vacate their lands in order that the same might be secured without any price at all. As one local Missourian writes:



What adds immeasurably to the shame of the transaction [forcing the Saints from the state by executive order] is the fact that there are grounds for believing that not a little of the intolerance shown on this occasion [for the Mormons] may have been due to a desire on the part of the Gentiles to get possession of the Mormons' land. . . . A gentleman who has enjoyed exceptional advantages for acquainting himself with the facts of the case . . . tells us that "in many instances conveyances of land were demanded and enforced at the mouth of a pistol or rifle."<sup>49</sup>

## V

This study sustains the long-standing Mormon contention that their preemption lands in Daviess County were illegally taken. Whether in all instances such were simple acts of stealth and fraud or were consummated with the view in mind of preventing future Mormon settlement in the county may never be completely known. What can be said with relative certainty is that much of what occurred was motivated by dishonesty and greed. When Governor Lilburn W. Boggs issued his infamous Extermination Order, illegal non-Mormon doings were justified under the vivid color of law. Preemption rights, particularly those belonging to the Latter-day Saints, were effectively denied. When it came time for the Saints to enter their legitimate claims, circumstances had rendered such claims moot and nugatory. Non-Mormon opportunists entered the lands in their own names, thus claiming both the lands and their improvements.

Repeated calls by some Missourians for an impartial and thorough investigation fell on deaf ears. With the eviction of the Mormons from Daviess County in general and from Adam-ondi-Ahman in particular, all hope for a speedy and immediate restitution vanished. Mormon entitlements in Missouri were dead.

## NOTES

<sup>1</sup>*History of Caldwell and Livingston Counties, Missouri* (St. Louis: National Historical Co., 1886), 103–6. The Caldwell County Courthouse burned to the ground in 1860, destroying all public documents housed there. The *History of Caldwell and Livingston Counties, Missouri* is the result of interviews with "old settlers, the county and municipal officials, editors of newspapers, secretaries and custodians of the records of societies and institutions, and many citizens" (ibid., iii–iv).

<sup>2</sup>Ibid., 103–4. "The Missourians were satisfied, because they had a poor opinion of the prairie soil of the proposed new county, which they declared was fit only for Mormons and Indians, and doubted whether it could ever be made really valuable" (ibid., 117).

<sup>3</sup>Alexander W. Doniphan was born in Mason County, Kentucky, on 9 July 1808. He was the youngest son of Joseph and Anne Smith Doniphan, natives of King George and Fauquier counties, Virginia. For a full biographical sketch, see *Portrait and Biographical Record of Clay, Ray, Carroll, Chariton and Linn Counties, Missouri* (Chicago: Chapman Brothers, 1893), 648–50.

<sup>4</sup>*Journal of the Missouri Legislature: Senate*, 9th General Assembly, 1st Session (Bowling Green, Mo.: Office of the Salt River Journal, 1837), 220.



<sup>5</sup>*History of Caldwell and Livingston Counties*, 118 (italics added). B. H. Roberts, Latter-day Saint historian, regards the italicized phrase as “wholly gratuitous” and states: “It is not true, and there is no evidence that warrants the ‘perhaps’ of the quotation” (*A Comprehensive History of The Church of Jesus Christ of Latter-day Saints*, 6 vols. [Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1930], 1:419–20). No historical data has been found to prove that the Saints did agree to confine themselves to Caldwell County, although that may indeed have been the understanding in the legislature at the time the counties were created. Certainly such a commitment was never written into law, and it is doubtful that it could have been enforced as a point of law if it had. For an account which demonstrates how the non-Mormons of upper Missouri felt about violations of this alleged agreement, see the *Missouri Republican* (St. Louis), 18 August 1838, 2.

<sup>6</sup>Joseph Smith, Jr., “Manuscript History of the Church,” 1 September 1834 to 2 November 1838, LDS Church Archives, 773 (hereafter cited as “Manuscript History”). In its printed form, this information may be seen in Joseph Smith, Jr., *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2d ed. rev., 7 vols. (reprint; Salt Lake City: Deseret Book Co., 1932–51), 2:514 (hereafter cited as *History of the Church*).

<sup>7</sup>*Elders’ Journal* 1 (November 1837): 28. The *Elders’ Journal* was a short-lived news periodical published at Far West, Missouri, 1837–38. This information is reprinted in Donald Q. Cannon and Lyndon W. Cook, eds., *Far West Record* (Salt Lake City: Deseret Book Co., 1983), 132.

<sup>8</sup>“Conference Minutes and Record Book of Christ’s Church of the Latter-day Saints,” Library–Archives, Historical Department, The Church of Jesus Christ of Latter-day Saints, Salt Lake City (hereafter cited as LDS Church Archives), 87. Also printed in Donald Q. Cannon and Lyndon W. Cook, eds., *The Far West Record* (Salt Lake City: Deseret Book Co., 1983), 132.

<sup>9</sup>Oliver Cowdery to Warren Cowdery, 21 January 1838, Cowdery Letters, Henry E. Huntington Library and Art Gallery, San Marino, California. A microfilm copy of these letters is on file in the LDS Church Archives. Oliver’s report to Warren is taken from a letter written earlier to Joseph Smith.

<sup>10</sup>For an extended discussion of the facts leading to the rise of these dissenters and their eventual ouster from the Church, see chapter 5 of Leland Homer Gentry, “A History of the Latter-day Saints in Northern Missouri, from 1836 to 1839,” 2d typed ed. (Ph.D. Diss., Brigham Young University, 1965).

<sup>11</sup>Joseph Smith, “Manuscript History,” 791. See also D&C 115:18.

<sup>12</sup>Joseph Smith, “Manuscript History,” 797. See also *History of the Church* 3:34.

<sup>13</sup>William Swartzell, *Mormonism Exposed, Being a Journal of a Residence in Missouri from the 28th of May to the 20th of August, 1838* (Pekin, Ill.: Author, 1846), 9–10. See also D&C 116. According to Orson Pratt, the meaning of Adam-ondi-Ahman in the original tongue is “The Valley of God where Adam dwelt” (*Journal of Discourses*, 26 vols. [London: Latter-day Saints’ Book Depot, 1854–86], 16:48).

<sup>14</sup>At least twelve Mormon men can be identified as initial purchasers of land in Colfax Township. See “Original Entries for Lands in Daviess County,” township 58, range 29, County Recorder’s Office, Gallatin, Missouri.

<sup>15</sup>James H. Hunt, *Mormonism: Embracing the Origin, Rise and Progress of the Sect, with an Examination of the Book of Mormon; also Their Troubles in Missouri and Final Expulsion from the State* (St. Louis: Ustick and Davies, 1844), 162.

<sup>16</sup>The principal argument supporting preemption stated: “It is right and proper that the first settlers, who have made roads and bridges over the public lands at their own expense and with great labor and toil, should be allowed a privilege greater than other purchasers” (see chapter 9 of Benjamin Horace Hibbard, *A History of the Public Land Policies* [New York: Macmillan Co., 1924], 151). See also note 34.

<sup>17</sup>Hibbard, *Public Land Policies*, 154. “By 1838 twenty to thirty thousand people [were] living in what is now Iowa, yet no land had even been offered for sale; they were all squatters” (ibid., 155). The figures in northern Missouri would scarcely be any less since Missouri’s Senator Thomas H. Benton was the Senate’s most active preemption advocate (ibid., 154).

<sup>18</sup>See “Copies of the Field Notes of Surveys in Missouri,” 166:247, Cartographic Division, National Archives. This is an excellent source, indicating what the area later known as Adam-ondi-Ahman was like before its settlement by Latter-day Saints. Copies of this document may be seen in the County Recorder’s Office, Ray County Courthouse, Richmond, Missouri.

<sup>19</sup>As quoted in Rollin J. Britton, “Adam-ondi-Ahman: A Missouri Contribution to the World-famed Spots of Earth,” *Missouri Historical Review* 20 (January 1926): 239. Wight allegedly paid Black \$750 for the latter’s preemption right (“Affidavit of Lyman Wight Made at Nauvoo, Illinois, 1839,” in *History of the Church* 3:441).

<sup>20</sup>Hunt, *Mormonism*, 162.

<sup>21</sup>As quoted by Britton from Wight’s personal journal, in “Adam-ondi-Ahman,” 244. Wight’s reference to “surveying and laying off town lots and locating government lands for many miles north of this place [Adam-ondi-Ahman]” is sustained by consulting “A Record Kept for the Use of the Church of Lands Surveyed, Locations Made, and Names to Whom Located . . . George W. Robinson, General Clerk and Recorder,” LDS Church Archives. At some time subsequent to 1838, this record fell into the hands of Henry G. Sherwood of Nauvoo, who preserved it for the Church. It clearly demonstrates the Mormon intent to fan out far beyond the settlement known as Adam-ondi-Ahman (see Leland H. Gentry, “Adam-ondi-Ahman: A Brief Historical Survey,” *Brigham Young University Studies* 13 [Summer 1973]: 559–62).

<sup>22</sup>“A History of the Persecution, of the Church of Jesus Christ, of Latter Day Saints in Missouri,” *Times and Seasons* 1 (March 1840): 65–66.

<sup>23</sup>“Manuscript History,” 800.



<sup>24</sup>Ibid., 831. See also *History of the Church* 3:147–48.

<sup>25</sup>Joseph H. McGee, *Story of the Grand River Country, 1821–1905* (Gallatin, Mo.: Author, 1909), 11. Known to his peers as Major McGee, Joseph H. McGee had resided in Daviess County for over seventy years at the time he penned these memoirs. He was an eyewitness to all the scenes which he describes, including those relating to the Mormon occupation of the county. The original manuscript from which this printing was made can be seen in Manuscripts Division, Missouri State Historical Library, Columbia, Missouri.

<sup>26</sup>George A. Smith, "Journal of George A. Smith," LDS Church Archives.

<sup>27</sup>Swartzell, *Mormonism Exposed*, 19.

<sup>28</sup>James H. Perkins, *Annals of the West* (Cincinnati: James R. Albach, 1847), 580. See also Lyman Wight's testimony in *History of the Church* 3:441.

<sup>29</sup>A more complete analysis of this affair and its aftermath may be found in chapter 8 of Gentry, "A History of the Latter-day Saints." For an account of the war and related events, see chapters 10–12.

<sup>30</sup>"Manuscript History," 836. Woods is quoted as having said that the civil authorities of Missouri would not molest them in their course and that the response of Governor Boggs to the Mormons' appeal at DeWitt in Carroll County proved it. DeWitt, located on the confluence of the Grand and Missouri rivers, was purchased and settled by the Mormons in July of 1838. Once again rapid immigration caused excitement and the Mormons were ordered out by the old settlers (see the article on "DeWitt" in A. C. Blackwell, *History of Carroll County, Missouri* [Philadelphia: Edwards Brothers, 1876]). The Saints refused, a battle followed, and residents from Carroll County—aided by residents from nearby Saline, Howard, Chariton, Ray, and Clay counties—eventually forced the Mormons to evacuate (see Gentry, "A History of the Latter-day Saints," 294–311). Instead of disbanding once their objective in DeWitt was obtained, some eight hundred men marched at once for Daviess to effect the same result.

<sup>31</sup>General Doniphan to General Atchison, 15 September 1838, in *Document Containing the Correspondence, Orders, &c. in Relation to the Disturbances with the Mormons; and the Evidence Given before the Hon. Austin A. King* (Fayette, Mo.: Boon's Lick Democrat, 1841), 24–25 (hereafter cited as *Document*). This source contains the written communications which passed between the governor and the generals commanding in the field during the so-called Mormon War.

<sup>32</sup>Governor Boggs to General Clark, 27 October 1838, in *Document*, 61.

<sup>33</sup>Anson Call, Journal, 9. See also "History of Zera Pulsipher by Himself," 12–13; William B. Huntington, Diary, 16–17; and Benjamin F. Johnson, *My Life's Review* (Independence, Mo.: Zion's Press, 1947), 43. The manuscript copies mentioned here are all found in the LDS Church Archives. They are merely representative of the many journals and diaries which record this fact.

<sup>34</sup>Notice to all preemption claimants that they must appear at the land office in Lexington, Missouri, as soon as possible to prove their claims was made in the *Missouri Argus* (St. Louis), 5 August 1838, 4. This notice was reprinted every week through the months of August, September, and October. Claimants were to have until 12 November 1838 to make their claims valid. The *Southern Advocate* (Jackson) also carried the announcement in September 1838 and then every week through the month of November.

<sup>35</sup>Mary Ann Hoyt, a widow with five children, made an affidavit on 14 January 1840 that she had moved to Daviess County in March 1838 and "there bought a pre-emption right of 160 acres of land and from thence was driven to Diahman [Adam-ondi-Ahman] and there remained until the Governor of Missouri raised the militia . . . and thereby robbed me of my property and preemption [*sic*] rights" ("Mormon Claims," House of Representatives Collection, box 142, folder 1, document 10, Library of Congress, Washington, D.C. [hereafter referred to as "Mormon Claims"]).

<sup>36</sup>As revealed in General Lucas to the Governor, 2 November 1838, in *Document*, 72–75.

<sup>37</sup>General Clark to General Wilson, 7 November 1838, in *Document*, 86. The rivalry between Lucas and Clark, both major generals, is readily apparent in the documents relating to this period. Clark, of course, received his field command from the governor, but Lucas refused to recognize Clark's authority because the men were military equals.

<sup>38</sup>See affidavits of Joel S. Miles, 3 January 1840; Alanson Brown and Eleanor Wilson, 8 January 1840; Noah Rogers, 14 January 1840; and Perry Durfee, 18 January 1840, in "Mormon Claims," boxes 141–42, folders 1–3, documents 5–13.

<sup>39</sup>Affidavit of Elias Higbee, John Taylor, and Elias Smith, delegates for the Latter-day Saints, n.d., "Mormon Claims," box 142, folder 3, document 13.

<sup>40</sup>At least some of the land claimed by the Saints in Daviess County was improved preemption land obtained for cash or other valuable considerations from earlier preemption claimants (see affidavits by Willard Snow, n.d.; William Aldrich, 6 January 1840; Willard Seeley, 20 January 1840; and Isaac Decker, 18 January 1840, in "Mormon Claims," box 142, folder 2, documents 11–12).

<sup>41</sup>"Manuscript History," 836. See also *History of the Church* 3:161.

<sup>42</sup>See "Original Entries for Lands in Daviess County," township 60, range 27, sections 25 and 30, Gallatin, Missouri. This is precisely the land which was surveyed by and allocated to Joseph Smith and Sidney Rigdon for the eventual settlement of the Saints. See also "A Record Kept for the Use of the Church, Book A."

<sup>43</sup>Sometimes the name is spelled *Weldon*.

<sup>44</sup>Lorenzo Dow Young, in *Fragments of Experience*, Faith-Promoting Series, 6th book (Salt Lake City: Juvenile Instructor's Office, 1882), 48. This is one of several books prepared for the instruction and encouragement of the youth of the Church.



<sup>45</sup>Young, *Fragments of Experience*, 48–49. In some instances, Mormon homes were either thrown into the Grand River or burned to the ground, while cattle and household goods were confiscated. Harvey Olmstead's affidavit of 6 January 1840 reads: "I moved from there [Caldwell County] to Davis [*sic*] in 1838, made a claim and intended to enter when it came to market, but a mob arose and I was compelled to move to Adam-ondi-Ahman and soon after my house was burnt . . . then my stock destroyed" ("Mormon Claims," box 142, folder 2, document 11). Some Latter-day Saints had even gone to the expense of having a survey made of their claims in order to make a proper entry in the land office. Jabez Durfee, for example, reported that he was deprived of a surveyed preemption right in township 58 north, range 27 west, section 18 northwest quarter (Affidavit, 18 January 1840, in "Mormon Claims," box 142, folder 2, document 10).

<sup>46</sup>*Missouri Republican Daily* (St. Louis), 13 December 1838, 15:2.

<sup>47</sup>"The Reed Peck Manuscript," photocopy, Special Collections, Harold B. Lee Library, Brigham Young University, 31.

<sup>48</sup>*Missouri Republican Daily*, 13 December 1838, 15:2. In 1839, the name Adam-ondi-Ahman was changed to Cravensville. Dr. John Craven became sole owner of the land during the next few years and either sold or rented out the houses built by and once belonging to the Saints. In the 1840s, Cravensville, sitting squarely in the center of Daviess County, vied with Gallatin for the honor of becoming the county seat. When the decision was made to retain the courthouse in Gallatin, Cravensville steadily declined. At its height, however, "the town had ten or twelve dwelling houses, several stores and about 60 inhabitants" (see John C. Leopard et al., *History of Daviess and Gentry Counties, Missouri* [Topeka: Historical Publishing Co., 1922], 88–89). Clark V. Johnson presents evidence to sustain the Mormon claim from many affidavits made by those evicted from their homes and lands during this period (see Clark V. Johnson, "The Missouri Petitions: New Evidence on the Mormon Side of the Missouri Conflict of 1834 and 1838" [paper presented to the Mormon History Association Symposium, May 1981], 11ff.).

<sup>49</sup>Lucien Carr, *Missouri: A Bone of Contention* (Boston: Houghton Mifflin Co., 1888), 183–84. Several of the Mormon affidavits pleading redress confirm this truth.



# Mormon Bibliography 1985

Scott H. Duvall

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## Book Reviews

BERGERA, GARY JAMES, and RONALD PRIDDIS. *Brigham Young University: A House of Faith*. Salt Lake City: Signature Books, 1985. xiii; 513 pp. \$19.95 paperback.

Reviewed by Richard D. Poll, professor emeritus of history, Western Illinois University.

This is an interesting, provocative, tedious, titillating, mistitled, informative, tendentious, and important book.

An endorsement on the back cover describes *Brigham Young University: A House of Faith* as a "foray into some of the tensions which have bedeviled the history" of the school. The book's central issue is summarized in the words of BYU alumnus and former University of Oregon President O. Meredith Wilson: "The tensions between a vigorous church and a vigorous university are greater than many may suppose" (367). Words in a similar vein, taken from the 1980 valedictory of former BYU President Dallin H. Oaks, conclude both the first and last chapters: "A genuine mingling of the insights of reason and revelation is infinitely . . . difficult" (45, 367).

Gary Bergera and Ronald Priddis, both 1980 graduates of BYU, have organized their prodigious research into nine chapters. The first, "Growth and Development," surveys the university's 110-year history, devoting sections to each of the eight presidential administrations. Having established a structural framework, the authors then consider the following subjects or problem areas: "Integrating Religion and Academics," "Standards and the Honors Code," "Organic Evolution Controversy," "Partisan Politics and the University," "Student Government, Social Clubs, and Newspapers," "Intercollegiate Athletics," "Arts, Entertainment, and Literature," and "Academics and Intellectual Pursuits." A twenty-page pictorial insert, 130 pages of endnotes and a good index complete the volume.

Episodes that receive detailed treatment include the Peterson-Chamberlin evolution controversy, the Wilkinson "spy" embroglio, the racial protests involving BYU athletics, and the "Looking for Mr. Goodbar" censorship affair. Curricular and extracurricular ramifications of the institutional concern about proper sexual behavior are described. The difficulties inherent in assigning moral significance to such ephemeral social phenomena as styles in dress, dance, music,



and the visual arts are also noted. Tighter editing would have eliminated some of the trivia, grammatical lapses and name errors (for example, Nobel Waite, 29; Roman J. Andrus and Russel B. Swenson, 370).

Anyone who reads far enough into the book to discover that Karl G. Maeser was the son of “two unmarried, working-class Lutherans” (5), and that a member of the 1900 Cluff expedition “sold his mule to buy liquor” (11), will agree that the book is both interesting and titillating. In the text and endnotes is evidence that the researchers paid particular attention to documentary footprints made by feet of clay.

Anyone who reads through the chapter on athletics, only about 10 percent of which is relevant to the book’s theme, will likely find the going tedious. The chapters on university standards and on student activities also have episodes that parallel *in loco parentis* and generation gap controversies on hundreds of college and university campuses, secular as well as church-related. If the test of relevance to the revelation–reason issue had been applied to everything that went into this book, it would be significantly shorter and better.

Nevertheless, the book brought me to a fuller appreciation of the complexity of the church–university relationship as I looked, through Bergera’s and Priddis’s eyes, into the minutes, correspondence, and journals of the men—except for coeds, there are very few women in this history—who had the responsibility for defining and managing the relationship. Somewhere in the book is the rueful observation of one of BYU’s presidents that BYU has more people involving themselves in its administration than almost any other school. The book amply demonstrates the frustrations of all who have occupied the presidential chair.

I was also impressed by how much the authors have learned about their subject. They treat in some detail three episodes in which I was a central figure, and Bergera and Priddis know more about them than I do.

The placement of the endnotes make them inconvenient to use, but no one who reads the book will want to ignore them. Full as they are, the notes do not give sources for some of the items; for example, the reported dismissal of “at least six faculty for ‘lack of testimony’ ” (65).

Moreover, the book does only partial justice to the subject of tensions between faith and freedom at “the Lord’s university,” partly because it sometimes digresses and partly because a hidden agenda clouds its objectivity. It is provocative in both the affirmative (stimulating) and negative (aggravating) sense.

The aggravating provocations stem from what are, for me, serious problems with *Brigham Young University: A House of Faith*. People who buy the book on the basis of its title are entitled to seek redress under the “truthfulness in packaging” statutes. They may be shocked,



angered, or disillusioned by what they read: but they will learn little about how well or how badly the university has discharged its charter mission to preserve and propagate the faith. Furthermore, they will not emerge from the reading with a very clear picture of how the university has tried to balance the competing claims of faith and reason, because the battles, blunders, intrigues, and idiosyncrasies that fill these pages are not assimilated into persuasive generalizations or long-range conclusions.

Indeed, the issues of revelation–reason and church–university are uninvolved, or only marginally involved, in some of the controversial episodes about politics, aesthetics, and history that the book describes in detail. The personal opinions and tastes of some of the university’s administrators and trustees have generated some of the most intense and unfortunate encounters with faculty and students. Bergera and Priddis do not distinguish between differences of opinion, disagreements over management style, academic challenges to ecclesiastical doctrine, and disputes in which the issue is obedience to authority.

A more appropriate title for this volume would be *Brigham Young University: The Other Side of the Story*, because that title would explain its genesis as well as its substance. The authors, like some other readers of the authorized centennial histories of BYU (Ernest L. Wilkinson, ed., *Brigham Young University: The First One Hundred Years*, 4 vols. [Provo: BYU Press, 1975–76], and Ernest L. Wilkinson and W. Cleon Skousen, *Brigham Young University: A School of Destiny* [Provo: BYU Press, 1976]), were dissatisfied with what they saw as excessively eulogistic and apologetic elements in the works as a whole and particularly in the treatment of the Wilkinson years. To redress the imbalance, Bergera and Priddis produced a work with a pronounced anti-Wilkinson bias. Somewhere between the “damning with faint praise” of Bergera–Priddis and the “praising with faint damns” of Wilkinson–Skousen lies the truth about the energetic, able, insecure, dedicated, devious, visionary, irrepressible, pugnacious and lonely man who did more than anyone else to make BYU what it has become. (If only he could have understood that neither *employee* nor *enemy* is a synonym for *faculty*).

The bias in the large part of the book that deals with the Wilkinson years is different from that in the remainder. Academic and individual freedom are preferred to religious dogmatism and authoritarianism throughout, and the authors’ favorite administrators are those who have most vigorously defended these freedoms. Among the early presidents, Franklin Harris and Benjamin Cluff are given white hats, while Howard McDonald, George Brimhall and Karl Maeser wear shades of gray. Dallin Oaks and Jeffrey Holland are also given gray hats, but with white linings. In contrast, Ernest Wilkinson wears a ten-gallon black Stetson—with a blue and white band that acknowledges his contributions to the physical dimensions of the university.



The authors are hardly reverential in their handling of the sponsoring church, but they find friends as well as foes of intellectual freedom among LDS General Authorities, who are individually and collectively present in the story. The range of opinions and the variety of influences brought to bear on the university are particularly delineated in the chapters on evolution, politics, and arts and letters. Incidentally, the 1911 evolution controversy is given similar treatment in Bergera-Priddis and Wilkinson-Skousen, whereas the later (and unfortunately still on-going) disputations about how God organized the earth and man that the authorized histories ignore are extensively detailed in *Brigham Young University: A House of Faith*.

If the title of the book may mislead some, the content has obviously misled, or confirmed the bias, of at least one reviewer. In a long commentary in the *Salt Lake Tribune* (2 December 1985, E2, E9), Jack Goodman claims support in Bergera-Priddis for describing BYU as a school "whose faculty members, past and present, fear to teach many subjects fully and honestly," a school which under Wilkinson resembled "an academic Siberia."

This is absurd.

Bergera and Priddis show how institutional policies excluding some speakers and entertainments and restricting the journalistic enterprise of some students have created a parochial campus environment, but the limited attention they give to academics includes almost nothing on what actually happens in classrooms. Like the authorized BYU histories, and college and university histories as a literary type, this book has little to say about the central business of higher education—teachers and students engaging one another in the pursuit of knowledge and understanding.

These authors also demonstrate that BYU has never had the degree of faculty autonomy and power that American higher education idealizes. This circumstance is unfortunate, in my view, not merely because it makes Phi Beta Kappa recognition unavailable to the best BYU students, but because it has at times deprived the administration of the full benefit of the ideas and talents of a faculty that surely must be one of the most loyal and united anywhere. Other consequences of arbitrary administrative control over employment policies have been that a few academically qualified faculty applicants have been denied appointment, a larger number have elected not to apply, a few people of questionable credentials have been employed, and some well-qualified people have left the university for professional opportunities elsewhere. Some self-censorship in the classroom handling of a few sensitive topics has probably occurred, and a certain amount of faculty time and energy has been spent in venting frustrations of a different sort than engage academicians on more conventional campuses.



This is not to say, and Bergera and Priddis do not say, that the result is a substandard “educational Siberia.” One who reads the book carefully will discover, as anyone really familiar with BYU already knows, that even within the closely supervised sphere of religious education a range of faculty perspectives and an occasional flirtation with heterodoxy may be found, and by no means all of the visiting experts who speak on religious themes follow a Mormon “party line.” In the rest of the university, where a very small part of the curriculum relates to academic matters in which the sponsoring church has an institutional interest, almost all subjects are presented in about the same way as at other universities. This is partly because even Mormon faculty members tend to teach what they were taught in non-Mormon graduate schools and partly because they find no unmanageable tensions between their academic and religious consciences. Furthermore, the options for imposing outside viewpoints on the teacher in the classroom without jeopardizing accreditation are quite limited, and no administration or board of trustees has cared to take that risk.

Even in the unfortunate postsenatorial election phase of the Wilkinson presidency, what went on within the classrooms of the teachers whose story this book tells in detail was not significantly affected by what was going on outside. Having been there with Richard Wirthlin, Ray Hillam, Kenneth Davies, Louis Midgley and other faculty “radicals” who were objects of administrative concern, and at the same time having helped to develop an intellectually demanding honors program and having taught the required course in American history and institutions to several thousand students, I object to the suggestion that BYU students—then or now—are shortchanged in the content or integrity of their academic courses. Intellectually curious undergraduates are the exception, as they are at almost all other universities, but they are present, and their curiosity grows between their freshman and senior years. Lazy, lousy, and lopsided teachers are also found, but there is no institutional bias in their favor.

As reviewer of *Brigham Young University: A House of Faith*, I must finally consider the ethical questions posed by research which purports to be what it is not. Some of the content of this book comes from sources to which the authors did not have authorized access. They imply as much when they say of the Board of Trustees and Executive Committee Minutes and of the Presidential Papers that are heavily used: “Some duplicates are located in [various archives] and in private hands” (369). The propriety of citing the original documents, as these authors do, rather than the copies that were actually used must certainly be challenged. The propriety of using copies of restricted materials that may have been made by others without authorization must also be challenged. The authors have done an impressive job of gathering



interesting and sometimes sensitive materials from a wide range of accessible archival and personal sources. But this book could not have been written, and it is this reviewer's opinion that it would not have been undertaken, if the authors had not also had access to a large amount of material copied by a person or persons unknown (at least to me) from files to which access is restricted. Much of the copying probably took place in connection with the production of the authorized BYU histories, but the provenance of some of the post-1976 items is a mystery.

Restrictions on access to information are hard to enforce in a free society, as recent spy trials remind us, but those who generate private documents are entitled to limit their use. Unlike the "no holds barred" standards of exposé journalism, the canons of historical professionalism recognize and respect this entitlement.

*Brigham Young University: A House of Faith* is an important book because it confronts us with this standard of scholarship, because it reinforces our skepticism about commemorative histories, because it throws light—despite its digressions and *ad hominem*s—on the special problems of revealed truth versus academic truth, and because it demonstrates that the fate of BYU has always been in the hands of trustees, administrators, teachers, and students whose shared desire to serve God does not always generate unanimity on how to run a university.

KENNETH L. HOLMES, ed. and comp. *Covered Wagon Women: Diaries and Letters from the Western Trails, 1840–1890*. Vol. 1, 1840–1849. Glendale, Calif.: Arthur H. Clark Co., 1983. 272 pp. \$27.50.

Reviewed by Roger D. Launius, a military historian stationed at Andrews Air Force Base in Maryland.

The study of women's history has blossomed during the past two decades, and the result has been the production of several outstanding works on the subject. *Covered Wagon Women* is one of the latest contributions to this growing field of investigation. It is a useful work that makes available to historian and buff alike several fascinating letters and diaries written by women involved in the westward movement of the 1840s. The editor, Kenneth L. Holmes, and the publisher, the Arthur H. Clark Company, have undertaken an ambitious project, and, once completed, the proposed ten volumes in this series will certainly serve as a benchmark in this field's historiography.



The material presented in this first volume has been arranged by the editor into twelve chapters with entries by fourteen women. These accounts are representative rather than exhaustive. However, there are important documents discussing the experiences of several intelligent and articulate women on the Oregon, California, Santa Fe, and Mormon trails. The editor chose his documents well. They are all primary resources, written at the time of the incidents described or immediately thereafter. More important, Holmes did not reprint commonly used diaries. I was pleasantly surprised that Susan Magoffin's diary of her trip to Santa Fe in 1846 was not included in the collection. It is an outstanding diary but readily available elsewhere. Instead, Holmes scoured the nation's archives and libraries, and solicited copies of documents from individuals, to assemble what should be considered an exemplary collection of manuscripts.

Holmes's editorial work is also outstanding. He allows the individual writers to tell their own story without correcting grammar, punctuation, and syntax. He adds, moreover, useful annotations providing additional background information about key personalities and events without overediting, certainly no easy task judging from the number of edited works that suffer from this defect.

Readers of *BYU Studies* will, no doubt, be most interested in the attention given to Mormon women during the westward trek to Utah. Holmes includes as a major piece within the collection a diary of Patty Bartlett Sessions, dated 21 June 1847 through 26 September 1847. The original, located in the Historical Department of The Church of Jesus Christ of Latter-day Saints, has been well used by scholars investigating the Mormon trek to Utah, the role of women in the Church and in western history, and the development of medical treatment, but its publication for a wider audience is most welcome.

While *Covered Wagon Women* is a fine book of lasting historical value, it could have been made better with additional work. For instance, the editor chose to omit both a bibliography and an index, opting for the issuance of a cumulative bibliography and index with the publication of the tenth volume of the series. This decision will, of course, make the volume less usable by researchers in the interim. Additionally, Holmes is inconsistent in his editorial work. He is at his best in his treatment of the diary of Patty Sessions. First, it has an excellent introduction that draws heavily upon the research of such leaders in the study of Mormon women on the frontier as Leonard J. Arrington and Maureen Ursenbach Beecher. Second, it includes a useful *dramatis personae*, briefly describing characters mentioned in the diary. Finally, Holmes attaches a solid bibliography pointing the direction for further study. In contrast, Holmes's editing of other diaries and letters possesses nothing approaching the depth of scholarship he demonstrates in his



work on Sessions. Most other entries contain only a cursory introduction, and none has either a description of characters or bibliography. It would have been commendable had Holmes been able to bring to the other accounts in this volume the fine editorial work he displays in his work on the Sessions diary.

In spite of these shortcomings, Kenneth L. Holmes has compiled a well-balanced, enjoyable book that should be of interest to all readers concerned with the study of women, the frontier movement, and Mormonism. This type of documentary history, although until recent years considered somewhat esoteric, should be encouraged, for it can open entirely new avenues of investigation when handled by skilled historians.

*A Woman's Choices: The Relief Society Legacy Lectures.* Salt Lake City: Deseret Book Co., 1984. 189 pp. \$7.95.

Reviewed by Jessie L. Embry, Oral History Program Director, Charles Redd Center for Western Studies, Brigham Young University.

I read *A Woman's Choices* twice—once with my scholarly eyes looking for every error because I always got better grades on my book reviews in graduate school when I was critical, rather than complimentary, of a book. Then I studied the book with my spiritual eyes, as Somerset Maugham suggests (as quoted by Elaine Shaw Sorensen), “to gain intellectual and moral stimulus.” He explains, “One soon tires of a book that does not make him feel now and then like getting up and walking the floor under the impulse of some larger vision of truth” (19).

Not all the articles satisfied my scholarly and spiritual appetites; only some led me to “some larger vision of truth.” I enjoyed Carolyn Rasmus’s “The Gift and Power of the Holy Ghost” because she told her experiences with Mormonism in a lively style, so it was not just “one more conversion story.” JoAnn Ottley’s “A Musical Stewardship—Teacher of Life” was a delightful story of how one couple juggled two music careers and a family life. Eileen Gibbons Kump painted a beautiful picture of enjoying life in “The Bread and Milk of Living.” I enjoyed reading Eleanor Knowles’s “The Scriptures: A Personal Odyssey” in which she explained the publication of the new Latter-day Saint scriptures. However, my favorite essay was Sharon L. Staples’s “Stress: A Matter of Choice.” She gave a balanced definition of stress and how to deal with it which got me “walking the floor.” Other than the stress article, I enjoyed the personal essays the most. The authors



of these essays explained how they dealt with their situations in life, avoiding a tone of judgment which suggested their decisions were the only ways to accomplish results; they had simply selected one road to travel which had led to both successes and failures.

Other essays disappointed me; I expected more understanding. Too often, when we, as women, have tried to defend our choices, we have become defensive; in order to justify our decisions, we have felt we needed to show that everyone else was wrong. For example, some women who chose a formal education have appeared to look down on women who married right after high school and did not go on for further education. Women working outside the home have argued they were spending quality time rather than quantity time in their homes; on the other hand, women who stayed home with their children have explained that quality time was not enough, quantity was also needed. For example, when I read Beppie Harrison's "A Deliberate Choice: Staying at Home," I felt she presented the virtues of her life by stepping on those who followed another path. Sally Peterson Brinton's "The Blessing of Music in the Home" gave some valuable tips on how to include music in the home but implied she had to choose between being a mother or a concert pianist—both careers could not be combined. Although these essays attempted to say, "This is only my choice," I felt an underlying tone of "but I am right and you are wrong." Since my life decisions have been different, I especially appreciated Barbara Smith's "Relief Society: A Story of New Beginnings" and her comments as general president of the Relief Society, comments which pointed to various experiences and did not limit women's possibilities.

My personal feelings about the book were mixed; I had more negative scholarly reactions. The Charles Redd Center for Western Studies at BYU has published its lecture series as monographs, and I have been an editor for some of them. I found it difficult as an editor to change a talk into a publishable document. Sometimes the speaker included a story which referred to a current event, and although everyone in the audience immediately reacted, my dilemma was to decide if a reader twenty years later could understand the reference. I also learned a joke was not always as funny when read. In other words, lectures needed to be altered to be readable. I did not find that type of careful editing in this book. Nearly all the articles read like talks, and I did not always understand—only one year later—the experiences the speakers were referring to. They could be even more confusing to a future reader.

Other material was valuable when spoken but lost some of its crispness when put into writing. "The Writer's Craft: Delight in the Ordinary" by Ardeth Kapp, Vernice Pere, and Marilyn Arnold was



probably a delightful lecture. I would have enjoyed hearing Kapp and Pere read their writings, emphasizing the words and ideas they felt were important. Arnold's comments would have helped the listeners examine the writings as literary pieces. As a discussion, it would have been useful; as a transcript, it was cold and awkward. I felt the same way about Elaine Cannon's "Finding Our Peace on Earth." Cannon has a lively speaking style which many enjoy, but, again, speaking requires different skills than writing, and I found her essay difficult to read.

I do not understand why Deseret Book published *A Woman's Choices*. If it was to give women who live outside of Salt Lake City a chance to share the legacy lectures or if it was to give women who heard the talks time to rethink the messages, the book has some value. Personally, I would rather have listened to tapes of the proceedings than to have had to read the talks exactly as they were presented. Although the book will be read and enjoyed by LDS women, a little more thought and editing could have made it a masterpiece which truly defines the choices women face.



## Afterwords

Editor:

I received the *BYU Studies* special issue on President Kimball (vol. 25, no. 4) with great anticipation but was disappointed to see that both Dennis L. Lythgoe's and Eugene England's articles repeat a common myth existing in Mormondom about recent growth in number of missionaries. In opting to publish these two articles, *BYU Studies* only adds to this general misunderstanding and distortion.

England refers to the April 1974 conference meetings and argues that President Kimball's view of missionary work had a transforming effect upon the Church, claiming that his "sermon helped transform the Church, releasing energies that almost doubled the missionary force in the next eight years, with similar increases in converts, new stakes organized, and total members."<sup>1</sup> England's point is to argue that this remarkable power and influence that President Kimball was able to exert upon the members of the Church could be better understood by analyzing both the content and style of his speeches. In a similar vein, Lythgoe refers to the same meetings and the impact of President Kimball's talks on the General Authorities and then concludes: "President Kimball's tenure saw the fruition of his challenge. The number of full-time missionaries grew from 17,258 in 1973 to approximately 29,265 at the end of 1985, an increase of 70 percent. The number of missions increased by 74 percent, from 108 to 188. The annual number of convert baptisms increased 148 percent, from 79,603 in 1973 to an estimated 197,640 in 1985."<sup>2</sup>

Both of these authors mistakenly assume that the missionary force grew at

an astounding rate during the Kimball presidency. Unfortunately, the data on which they base their argument is grossly misinterpreted.

The central question to ask is whether, in fact, the missionary force increased at anything approaching unusual rates. To answer this question one must look at Church membership growth and number of full-time missionaries over time to see if the growth rates equal or exceed rates for previous years. If the growth in the missionary force is not impressively larger than earlier growth rates, then one can hardly conclude that the Kimball leadership was responsible for "releasing energies that almost doubled the missionary force" or that his "tenure saw the fruition of his challenges" for more missionaries. Had either of the above authors checked available data on Church and missionary growth, they would have come to very different conclusions. Had any of the reviewers of these two pieces asked hard questions about the data underlying the conclusions they would not have allowed such misinterpretations to be published.

Tables 1 and 2 present a summary of Church growth data from April conference reports and LDS church almanacs from 1925–85. As will be seen from table 1, and as is well known, the Church membership has, in fact, grown at a remarkable rate.<sup>3</sup> Since the Second World War, the Church has doubled in membership approximately every fifteen years. One also sees similar increases in convert baptisms and, since the number of full-time missionaries is the best predictor of convert baptisms, a corresponding increase in full-time missionaries. The table also shows the remarkable increase in the birthrate per thousand members



TABLE 1. CHURCH GROWTH STATISTICS  
FROM CONFERENCE REPORTS AND CHURCH ALMANACS, 1925-85

	Year Ending	Church Membership	Converts Baptized	Full-time Missionaries	Birthrate Per 1,000
Spencer W. Kimball, 1974-85	1985	5,920,000	197,640	29,265	**
	1984	5,650,000	192,983	27,655	**
	1983	5,400,000	189,419	26,565	24.50
	1982	5,165,000	207,000	26,300	28.10
	1981	4,936,000	224,000	29,700	28.10
	1980	4,638,000	211,000	29,953	28.20
	1979	4,439,000	193,000	29,454	30.00
1963-78 (15 years), membership doubled	1978	4,160,000	152,000	27,669	30.70
	1977	3,966,000	167,939	25,300	31.66
	1976	3,742,749	133,959	25,027*	29.72
	1975	3,572,202	95,412	22,492*	27.79
	1974	3,385,909	69,018	18,109*	26.11
	1973	3,321,556	79,603	17,501*	25.64
	1972	3,227,790	91,237	16,367*	26.43
	1971	3,090,953	83,514	15,205*	28.50
	1970	2,930,810	79,126	14,387*	28.41
	1969	2,807,456	70,010	13,291*	28.18
David O. McKay, 1951-69	1968	2,684,073	64,021	13,028*	27.49
	1967	2,614,340	62,280	13,147	27.55
	1966	2,480,899	68,843	12,621	25.23
	1965	2,395,932	82,455	12,585	27.23
1946-62 (15 years), membership doubled	1964	2,234,916	93,483	11,599	30.14
	1963	2,117,451	105,210	11,782	34.56
	1962	1,965,786	115,834	12,269	33.16
	1961	1,823,661	88,807	11,592	32.20
	1960	1,693,180	48,586	9,097	34.62
Age 20 to 19	1959	1,616,088	33,060	6,968	34.00
	1958	1,555,799	33,330	6,314	35.00
	1957	1,488,314	30,129	6,616	34.92
	1956	1,416,731	25,181	6,829	36.60
Baby Boom, 1945-60	1955	1,357,274	21,669	4,687	37.64
	1954	1,302,240	18,573	3,868	39.46
	1953	1,246,362	16,436	2,742	39.24
	1952	1,189,053	16,813	2,897	39.34
	1951	1,147,157	17,175	5,065	37.81
	1950	1,111,314	14,700	5,313	37.34
1830-1945, one million	1945	979,454	4,957	592	32.10
	1940	862,664	7,877	2,216	31.90
	1935	746,384	7,535	1,775	27.90
	1930	672,488	6,758	2,048	29.70
	1925	613,653	6,373	2,500	32.00

\* These data come from LDS church almanacs. The other data come from April conference reports.  
\*\* No data reported for these years.



TABLE 2. ANNUAL NUMBER OF MISSIONARIES SET APART, NUMBER OF PRIESTS,  
AND RATIO OF NUMBER OF MISSIONARIES SET APART TO NUMBER OF PRIESTS,  
FROM LDS CHURCH ALMANAC DATA

Year Ending	Number of Mission- aries set apart (1)	Number of Priests (2)	Ratio (3) [(1)/(2)=(3)]*	
1985	19,890	375,000	0.0612	
1984	19,720	356,000	0.0634	
1983	19,450	335,000	0.0824	
1982	18,260	325,000	0.0787	Kimball years, 1974-85
1981	17,800	311,000**	0.0844	
1980	16,600	236,000	0.0826	
1979	16,590	232,000	0.0882	
1978	15,860	211,000	0.0890	
1977	14,561	201,000	0.0852	
1976	13,928	188,122	0.0846	
1975	14,446	178,241	0.0897	
1974	9,811	170,867	0.0642	
1973	9,471	164,668	0.0640	
1972	7,874	160,993	0.0568	
1971	8,344	152,886	0.0648	
1970	7,590	147,955	0.0623	
1969	6,967	138,571	0.0612	
1968	7,178	128,851	0.0664	
1967	6,475	121,842	0.0604	
1966	7,021	113,777	0.0719	
1965	7,139	108,119	0.0783	
1964	5,886	107,184	0.0684	
1963	5,781	97,602	0.0717	
1962	5,630	91,218	0.0731	
1961	5,793	86,005	0.0805	McKay years, 1951-69
1960	4,706	80,268	0.0703	
1959	2,847	77,017	0.0452	
1958	2,778	71,993	0.0464	
1957	2,518	66,958	***	
1956	2,572	63,046	***	
1955	2,414	59,906	***	
1954	2,022	***	***	
1953	1,750	***	***	
1952	872	***	***	
1951	1,801	***	***	
1950	3,015	***	***	
1949	2,363	***	***	
1948	2,161	***	***	
1947	2,132	***	***	
1946	2,297	***	***	
1945	400	***	***	
1944	427	***	***	
1943	261	***	***	
1942	629	***	***	
1941	1,257	***	***	
1940	1,194	***	***	

\* To account for the priest-missionary age differential, the ratio is created by offsetting three years: for example, the number of missionaries in 1985 (19,890) divided by number of priests in 1982 (325,000).

\*\* Some of the fluctuations in the number of priests reported may be due to different reporting procedures used at different times by the Church. It is not clear why the number of priests increases as much as it does in 1981.

\*\*\* No data reported for these years.

that occurred during the baby-boom years. What analysts have not done is to determine how much of the Church growth is due to increased missionary force compared to increased birthrate during the decade and a half following the Second World War. For example, how much of the remarkable increase in absolute numbers of full-time missionaries from 1965 to 1976, when the missionary force was doubling (12,000 to 25,000), was a result of the baby-boom generation coming of mission age, and how much of the growth was due to a greater percentage of young men serving missions? While I cannot list all of the issues in this short letter, I can point to some obvious patterns.

Table 2 presents the number of full-time missionaries set apart annually, the number of priests reported each year, and then a ratio of the two. Since the number of priests functions as a crude control for population changes, any dramatic increase in the ratio over time must be due to an increase in the percentage of the population going on full-time missions. What the ratio shows is that the most remarkable jump in the number of missionaries occurred in the years 1960–65. From 1959 through 1962, the number of missionaries almost doubled (from 6,968 to 12,269), and this increase apparently occurred relatively independent of the growth in number of priest-age young men at that time in the Church. The ratio was .045 in 1959 compared to .081 in 1961 (see table 2). A big part of this increase was likely due to a policy change effected in March 1960 lowering the mission age from twenty to nineteen, accompanied by an increased emphasis on missionary work.

It can be observed from table 2 that during the first five years (1975–79) of the Kimball era the ratio increased to a level slightly higher than it was in the early sixties. In the eighties it declines slightly. This same general pattern is reported in research conducted by the Church Correlation Department's Evaluation Division and published in the *Ensign*.<sup>4</sup> Figure 1 presents the percentage of priests serving missions from 1940–81 as reported in that research.

The most accurate summary statement implied by these data is that the largest increase in the proportion of LDS members serving full-time missions occurred in the early 1960s and that the proportion has remained relatively stable since then, with some increase during the last half of the seventies.

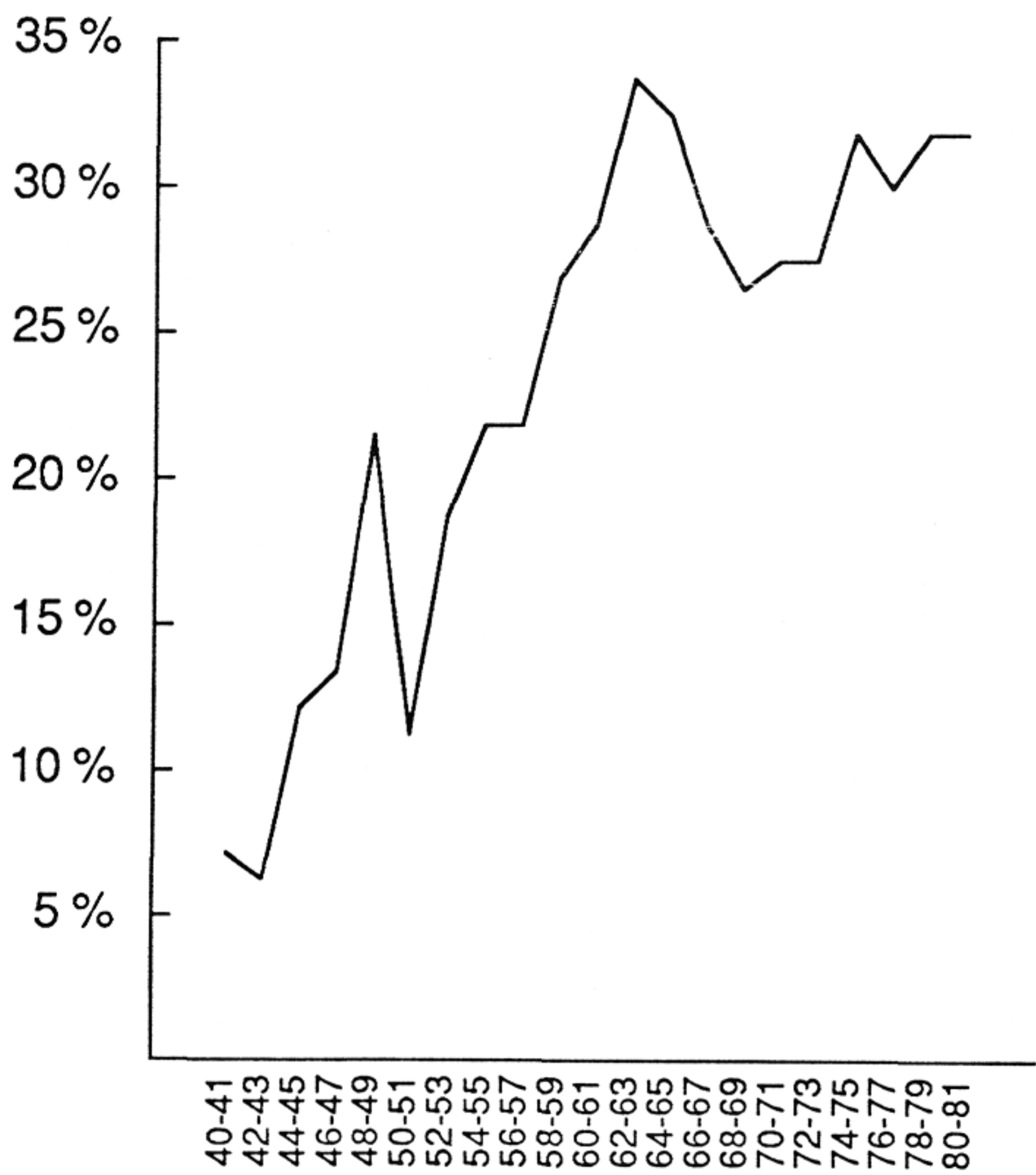
What the analysts have not done is to identify where the increase in number of missionaries came from during the first five years of the Kimball presidency. My own perception is that when better analysis is done with better data than reported here, the increase in the number of missionaries during the Kimball era will likely be seen to have occurred because of increasing numbers of missionaries other than young men, such as sister missionaries, health missionaries, welfare missionaries, and couples. I am not convinced that there was a significant change in the percentage of priest-age young men deciding to serve full-time missions during the seventies.

Two unfortunate consequences flow from such gross misinterpretation of data and trends. The first is that antagonists of the Church have ready access to material which they can use to dismiss supposedly scholarly work by "true believers" as not worth reading. The second consequence is even more serious. Myths are created which, in effect, attribute to President Kimball something that is not accurate. Given the prophet's remarkable life and his commitment to hard work, Christian service, and gospel scholarship, it is ironic that *BYU Studies* does what he, throughout his presidency, repeatedly reminded people that they should not do: "Don't try to make me something more than I am."<sup>5</sup> Of all journals, *BYU Studies* ought not to be guilty of that error in light of BYU's publicly stated commitment to excellence and President Kimball's towering example of a life committed to gospel excellence.

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FIGURE 1. PERCENTAGE OF NINETEEN-YEAR-OLD YOUNG MEN WHO GO ON MISSIONS BEFORE AGE TWENTY-SIX: UNITED STATES AND CANADA, 1940-1981



Notes

<sup>1</sup>Eugene England, "A Small and Piercing Voice: The Sermons of Spencer W. Kimball," *Brigham Young University Studies* 25 (Fall 1985): 82-83.

<sup>2</sup>Dennis L. Lythgoe, "Lengthening Our Stride: The Remarkable Administration of Spencer W. Kimball," *BYU Studies* 25 (Fall 1985): 6-7.

<sup>3</sup>For a discussion of Church growth, see Rodney Stark, "The Rise of a New World Faith," *Review of Religious Research* 26 (September 1984): 18-27.

<sup>4</sup>"Key to Strong Young Men: Gospel Commitment in the Home," *Ensign* 14 (December 1984): 66-68.

<sup>5</sup>Edward L. Kimball, "Spencer W. Kimball: A Man of Good Humor," *BYU Studies* 25 (Fall 1985): 62.

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