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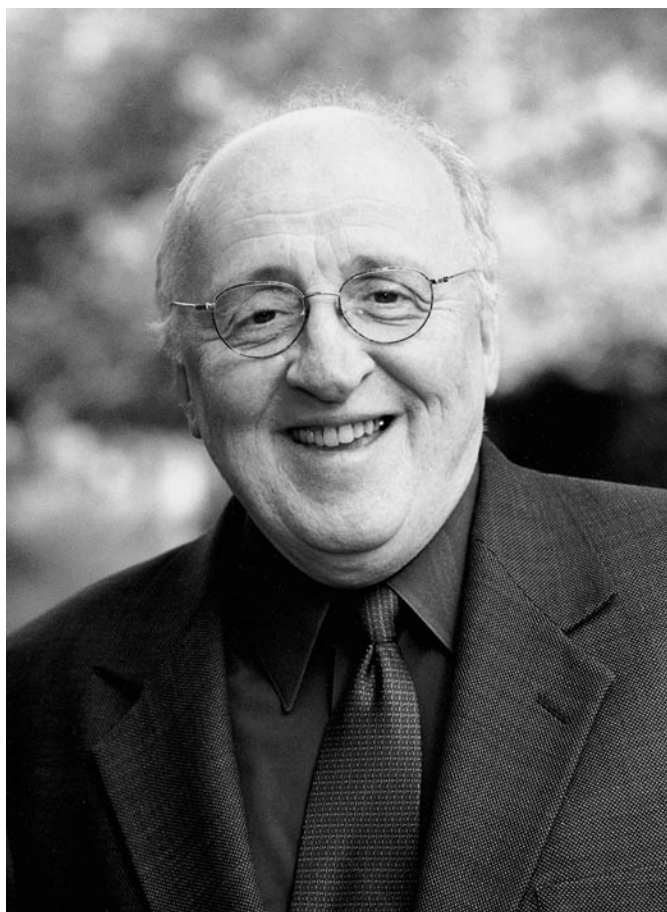
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Courtesy Richard J. Mouw

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What Does God Think about America?

Some Challenges for Evangelicals and Mormons

Richard J. Mouw

I visited an Evangelical church once in my younger years where the sermon of the day featured a straightforward exposition of the teachings associated with dispensationalist premillennialism. The signs of the time are clear, the preacher said. Wars and rumors of wars. Earthquakes and famine. Widespread lawlessness. The prophetic clock is ticking. God's plan for the future of the earth centers on the Jewish people, who will eventually recognize the true Messiah and inherit all the earthly promises given to them of old. All other nations are doomed to pass away. The destiny of Gentile Christians is a spiritual and heavenly one, and soon all faithful Christians will be raptured, to meet their Lord in the air and be taken to their heavenly home. Then comes the tribulation, after which the Lord Jesus will return to establish his millennial Kingdom with its center in Jerusalem.

At the close of the service, the pastor noted that the Fourth of July would be falling within the next week. As we prepare to celebrate our freedoms as Americans, he said, it is fitting that we should praise Almighty God for the unique blessings he has bestowed upon this great nation of ours. He then led us in the singing of "America the Beautiful." The congregation sang lustily, and my guess is that I was the only one who noticed the stark contrast between the content of the sermon we had just heard and the theology of the eschatological verse of that patriotic song:

O beautiful for patriot dream that sees beyond the years,
Thine alabaster cities gleam undimmed by human tears.
America! America! God shed his grace on thee,
And crown thy good with brotherhood from sea to shining sea.

Here was an expression of great optimism about the future of the American nation. Indeed, the envisioned future for the United States was so glorious that the images used were the very ones that the Scriptures employ to describe the New Jerusalem: urban dwelling places adorned with precious stones; tears being wiped away; a holy harmony that reaches from sea to sea and shore to shore.

When Katharine Lee Bates penned the words to this verse in 1893, she was picking up on themes that had long been around in American culture. The Puritan settlers in New England were motivated by what they saw as a God-given mandate to establish a city upon a hill that would be a light to the nations of the earth. And in the eighteenth century the idea of America as the seat of the millennial Kingdom, the place where the New Jerusalem would be established, often found expression.¹ In the nineteenth century, this notion was often merged with a postmillennial theology, which posited a coming era of widespread peace and righteousness—in this case, flowing in a special way from the blessings that God was bestowing upon the United States—which would precede the coming of Christ.

Looking for the New Israel

This pattern of applying the symbolism associated with Old Testament Israel to a present-day people or nation is a part of a larger exercise that we might think of as *looking for the New Israel*. This exercise has resulted in many different proposed identifications. Often, as we will see, people join together two different identifications—they find the New Israel in two different nations or peoples. In their purest forms, though, the “findings” fall into three categories.

The first is the identification of the New Israel with the contemporary manifestation of the Old Israel. This is obviously a favorite option for many Jewish folks, but it is also common among that subgroup of Evangelicals who see themselves as experts in the present-day fulfillment of “Bible prophecy.” Where do we find the New Israel today? The answer: in the present-day life of the physical descendants of the Old Israel. The Lord said to Abram (whose name would soon be changed to Abraham):

I will make of you a great nation,
and I will bless you,
and make your name great,
so that you will be a blessing.
I will bless those who bless you,
and the one who curses you I will curse;
and in you all the families of the earth shall be blessed.
(Gen. 12:2–3, New Revised Standard Version)

These promises were given more specific content as things proceeded in the Old Testament. The descendents of Abraham settled into a promised land and established their capital in Jerusalem. Eventually, though, they were exiled from their homeland, but they were assured that the Lord had not forgotten his promises to them. Through the prophets, God spelled out even greater blessings that were to come: they would return to their land, and they would flourish there. A glorious New Jerusalem would be established, from which righteousness would flow and a marvelous *shalom* would cover the earth.

The first option for finding the New Israel, then, takes all of this in a fairly straightforward sense. God has not forgotten the glorious future promised to the ethnic descendents of Abraham. The establishment of the modern state of Israel is seen as the beginning of a prophetic scenario that is now unfolding. This line of argument says that if you want to observe the first fruits of the New Israel and the New Jerusalem, do the obvious thing: keep your eye on the collective life of the present-day Jewish people.

The second option sees the promises given to Abraham as having been transferred to the New Testament church. The theological basis for this view has been very clearly articulated by some Reformed theologians. They argue that when the Jewish people of Christ's day rejected him as the promised Messiah they forfeited their right to inherit the promises to ethnic Israel. The Gentile church as the New Israel is now the proper recipient of these promises. The only way, for example, that a Jew can claim the benefits of the old covenant is by joining the New Israel, the community of the adopted spiritual heirs of Father Abraham.

Yet a third option is to see some present-day ethnic or national community as the unique object of God's special favors. America as the Chosen Nation, as the place where the New Jerusalem will be established, is an obvious example of this identification.

I have described these options here in their starkest forms. In actual practice, though, we can often observe a "mix and match" phenomenon. People hold these views in various combinations. Especially in the case of the third option, most American Christians are reluctant simply to assert that the United States is *the* New Israel. Rather, their official theology assigns that role primarily to ethnic Israel or the church, but in a secondary sense they also use New Israel images to apply to the American nation. And in reality, the elevation of America to Chosen Nation status is often done instinctively, without a theological rationale that is capable of clear articulation.

Mormonism's Two Israels

Mormonism, however, provides us with an important alternative to the typical “mix and match” pattern. Joseph Smith set forth a perspective in which two of these options played a role, and he did so in a way that the interrelationships between the “Israels” were explicitly articulated. In August of 1832, Joseph Smith wrote an open letter, published in Mormonism's first newspaper, *The Evening and the Morning Star*, addressed “To the Honorable Men of the World.” He encouraged all people who were genuinely open to the truth to study the Scriptures carefully in order to “search the revelations of God: study the prophecies, and rejoice that God grants unto the world Seers and Prophets.” He encouraged all genuine truth-seekers to pay special attention to the ancient prophets when

they saw truth spring out of the earth, and righteousness look down from heaven in the last days, before the Lord came the second time, to gather His elect; they saw the end of wickedness on earth, and the Sabbath of creation crowned with peace; they saw the end of the glorious thousand years, when Satan was loosed for a little season; they saw the day of judgment when all men received according to their works, and they saw the heaven and earth flee away to make room for the city of God, when the righteous receive an inheritance in eternity.²

The Mormon leader was appealing here to themes that could be found by anyone who searched the Old and the New Testaments. But if his readers were also willing to look into the recently published Book of Mormon, they would have discovered a perspective in which these biblical prophecies were given a specifically American focus. There they would have read the account reportedly written many centuries before on American soil, about the vision of Ether, a prophet in the Book of Mormon, who

saw the days of Christ, and he spake concerning a New Jerusalem upon this [American] land. And he spake also concerning the house of Israel, and the Jerusalem [in ancient Palestine] from whence Lehi should come—after it should be destroyed it should be built up again, a holy city unto the Lord; wherefore, it could not be a new Jerusalem, for it had been in a time of old; but it should be built up again, and become a holy city of the Lord; and it should be built unto the house of Israel—And that a New Jerusalem should be built upon this land, unto the remnant of the seed of Joseph, for which things there has been a type. . . . Wherefore, the remnant of the house of Joseph shall be built upon this land; and it shall be a land of their inheritance; and they shall build up a holy city unto the Lord, like unto the Jerusalem of old. (Ether 13:4–8)

This text is prophesying about the emergence of two Jerusalems in the latter days. The first is the restoring of the Old Jerusalem as an important “holy city unto the Lord.” This city, which is to be established as an important center for the Jewish people, cannot be, however, the glorious New Jerusalem promised of old, because, as Ether insists, that is not really a “new” Jerusalem, “for it had been in a time of old.” Thus, while acknowledging God’s continuing concern for the restoration of ethnic Israel as a Chosen People to whom God’s promises have not been cancelled or simply transferred, Ether is envisioning a second Jerusalem, this one the New Jerusalem, that will be established by God on American soil.

It was with Book of Mormon texts of this sort in mind that Joseph Smith could confidently affirm: “We believe in the literal gathering of Israel and in the restoration of the Ten Tribes; that Zion (the New Jerusalem) will be built upon the American continent; that Christ will reign personally upon the earth; and, that the earth will be renewed and receive its paradisiacal glory” (Article of Faith 10). Or, as he explained it in more detail in an 1835 statement, drawing on both the Book of Mormon and the New Testament:

Now we learn from the book of Mormon, the very identical continent and spot of land upon which the new Jerusalem is to stand, and it must be caught up according to the vision of John upon the isle of Patmos. Now many will be disposed to say, that this New Jerusalem spoken of, is the Jerusalem that was built by the Jews on the eastern continent: But you will see from Revelations, 21:2, there was a New Jerusalem coming down from God out of heaven, adorned as a bride for her husband. . . . [T]here are two cities spoken of here. . . there is a New Jerusalem to be established on this continent.—And also the Jerusalem shall be rebuilt on the eastern continent.³

These same themes are repeated in later Mormon writings. Here, for example, is Bishop Orson F. Whitney, in a lecture delivered in 1889: “Young men and young women of this people, it was for this purpose that you were born upon this favored land, the land upon which God intends to build the city of Zion, to erect His holy Temple, upon which the glory of God will rest.” And then he observes that it is in the building of this American Zion that the familiar “Arise, shine; for thy light is come” prophecy of Isaiah 60 is to be fulfilled.⁴

Mormons as Israelites

It is clear, then, that Joseph Smith held that two communities, one of them in the Middle East and the other on the North American continent, could make claim to be “Israel’s”: the former by virtue of its continuity

with the people whose story is told in the Old Testament, and the latter, the community established by the Latter-day Saints, because it will be the site of the New Jerusalem which will serve as the seat of Christ's millennial reign.

Jan Shipps explains Mormonism's understanding of its connection to Old Testament Israel by drawing a contrast specifically to the self-understanding of those nineteenth-century Christians who saw themselves as the spiritual heirs to the promises given to Abraham, which were now extended also to the Gentile nations through the redemptive work of Christ. Shipps specifically attributes this view to the Disciples of Christ, but it is in fact typical of much of Evangelicalism. Among themselves Evangelicals debate dispensationalism versus two-covenant perspectives, but the underlying assumption of both of those interpretive schemes is that the New Testament church has been made possible by God's decision to offer saving mercies to the Gentile nations—with the intra-Evangelical disagreement having to do with whether that offer to the Gentiles is a natural extension of the Old Testament redemptive economy or a supplementary arrangement to a redemptive plan in which ethnic Israel also still looms large in the unfolding of God's purposes for humankind.

Both of those Evangelical perspectives differ significantly from Mormonism's understanding of its relationship to the Old Testament system. As Shipps points out, early Mormonism did not rely directly on the New Testament notion of the inclusion of the Gentiles. Instead, "in the Mormon restoration, membership in the Church of Jesus Christ means that the Saints are literally adopted into Israel and are thereupon brought into the covenant by virtue of their membership in the tribes of Israel."⁵ Among the things that get restored for Mormons are many of the concrete features of ancient Israel, with the obvious ones being the re-establishing of the Aaronic and Melchizedek priesthoods, along with temple-based rituals and the patriarchal (including, for a while, polygamous) family structures.

Understanding the Authority Issue

It is important to underscore here the way in which the Mormon restoration of these ancient offices and practices resulted in a very significant departure from the classic Protestant understanding of religious *authority*. The subtlety of the issues at stake here is often missed by us Evangelicals, with the result that we typically get sidetracked in our efforts to understand our basic disagreements with Mormon thought. We often proceed as if the central authority issue to debate with Mormons has to do with the question of which authoritative *texts* ought to guide us in understanding

the basic issues of life. We Evangelicals accept the Bible alone as our infallible guide while, we point out, the Latter-day Saints add another set of writings, those that comprise the Book of Mormon, along with the records of additional Church teachings, to the canon—thus we classic Protestants are people of the Book while Mormons are people of the Books.

This way of getting at the nature of our differences really does not take us very far into exploring some of our basic disagreements. What we also need to see is that in restoring some of the features of Old Testament Israel, Mormonism has also restored the kinds of *authority patterns* that guided the life of Israel. The Old Testament people of God were not a people of the Book as such—mainly because for most of their history there *was* no completed Book. Ancient Israel was guided by an open canon and the leadership of the prophets. And it is precisely *this* pattern of communal authority that Mormonism restored. Evangelicals may insist that Mormonism has too many Books. But the proper Mormon response is that even these Books are not enough to give authoritative guidance to the present-day community of the faithful. The Books themselves are products of a prophetic office, an office that has been reinstituted in these latter days. People fail to discern the full will of God if they do not live their lives in the anticipation that they will receive new revealed teachings under the authority of living prophets.

I have heard Evangelicals comment that our disagreements with Mormonism on the question of authority are not unlike those that have been at stake in our longstanding Protestant debates about authority with Roman Catholic theologians. In an important sense, this is true. Evangelicals want to argue against both Catholics and Mormons about the way in which both of those communities rely on “new” teachings—deliverances that are viewed as infallibly authoritative and which go well beyond the contents of the Old and New Testaments. But Mormonism’s understanding of the character—to say nothing of the content—of these additional teachings also differs from the Roman Catholic view in significant ways. For Catholicism, the office that produces these new teachings is the *magisterium*, the *teaching*, and not the prophetic office. Furthermore, Catholics do not see their additional teachings as new revelations. Rather, when the bishops of the church exercise their teaching function, “they bring forth,” in the words of the Vatican II document *Lumen Gentium*, “from the treasury of Revelation new things and old, making it bear fruit and vigilantly warding off any errors that threaten their flock.”⁶ This “bearing fruit” metaphor is often used to explain how the Church’s magisterial deliverances are to the contents of Scripture as a piece of fruit is to the original seed. These teachings do not, for Catholics, provide us with new information; rather,

they are considered as *explications* of what the Bible teaches—the making explicit of that which is already implicit in biblical revelation.

Mormonism, on the other hand, does view its postbiblical deliverances as new revelation. In this sense, Mormonism has interesting similarities to some contemporary versions of Pentecostalism and Charismatic Christianity, where there is also often an emphasis (but not without much debate on how to construe the emphasis) on a continuing prophetic office that can produce new revelations. Richard Bushman articulates the Mormon perspective nicely:

The Book of Mormon did not become a handbook for doctrine and ecclesiastical practice. It was not as if a new truth had been laid out in the teachings of the ancient Nephites and the modern church was to pore over the record to extract policy and teachings. From the outset doctrine came day by day in revelations to Joseph Smith. Those revelations comprised the backbone of belief, the doctrine and covenants for the church. . . . [Indeed,] most of the applicable Book of Mormon doctrines and principles were revealed anew to Joseph Smith, and [they] derived their authority from the modern revelation as much as from the Book of Mormon.⁷

But for all of this, as Jan Shipps points out, early Mormonism still saw itself, not as a community of Israelites, but as a Christian *church*, an ecclesial community “whose blueprint was the one set out in the Book of Acts.”⁸ Thus, she argues, Mormonism has embraced a tension between “literal as opposed to figurative interpretations of the church/Israel connection.” She insists that this tension is already there in the New Testament’s own understanding of the relationship between church and Israel.⁹ I am not as convinced as she is that the tension is there in the apostolic writings in the way she suggests. But there certainly is a kind of fluidity in the New Testament’s portrayal of the relationship between Israel and the church, a fluidity that has allowed for several different understandings of the church-Israel relationship among Evangelicals—one of which has made room for Evangelicals to apply New Jerusalem motifs to the United States.

Jerusalem or Babylon?

In 1968, S. Franklin Logsdon, an itinerant “Bible teacher” who had once been pastor of Chicago’s Moody Memorial Church, published a little book with the title *Is the U.S.A. in Prophecy?* Logsdon gave an unambiguous affirmative answer to the question he posed in his chosen title. Indeed, he was so confident of his assessment that he wondered why Christian teachers had not given more attention to the subject of America’s role in God’s plan for the ages. “As I have spoken on the theme

in cities across the country,” he reported, “there has been much interest evidenced, with the attendance swelled not infrequently to an overflow.” Logsdon was discovering that “people want to know, as never before, just what God has to say about our great nation.” And Logsdon was pleased to tell them “that the omniscient God, looking down the corridors of time, and concerning Himself so prominently with the Gentile nations, did not overlook the one nation He has blessed above all others.”¹⁰

Unfortunately, though, Logsdon did not think that God was very happy with contemporary America. Indeed, Logsdon came to the conclusion that the present-day American nation exhibited what he saw as sixteen characteristics, derived from his reading of Jeremiah 50–53 and Revelation 18, of “prophetic Babylon,” a city that falls under the judgment of God for its wicked ways. Not that Logsdon had completely given up on the United States. “It may be the eleventh hour,” he observed, “but many a fight has been won in the last round.”¹¹ From everything he could see, however, “our great Ship of State is currently in turbulent waters and headed for treacherous shoals.”¹²

Given the way American Evangelicals of the past have been attracted to the “patriot dream” perspective on America as having clear New Jerusalem potential, Logsdon’s discussion is noteworthy. While he never asserts without qualification that America is in fact “prophetic Babylon,” he clearly thinks that the United States may well be moving in a direction where its wickedness is so pervasive that it will become a special object of divine wrath.

I am not particularly interested here in Logsdon’s specific way of applying the “Bible prophecy” themes to the present-day United States. What is significant for our present discussion, though, is the fact of his *ambivalence*. America, as “the one nation [that God] has blessed above all others” obviously has New Jerusalem possibilities in his estimation. But it is precisely because of its prominence in God’s plan for history that the United States also runs the real risk of becoming the irredeemably wicked Babylon of the end-times.

Logsdon’s ambivalence points to a pattern that can be seen at work in the collective Evangelical psyche. While the conception of America as having a special divine appointment among the nations has often loomed large for American Evangelicals, there are times when a very different mood emerges, and America is seen as an ungodly place where true Christians are living as exiles. My own reading of how the shifting back and forth between optimism to pessimism—between a Jerusalem and a Babylon mood—is that the movements typically happen among Evangelicals

without a conscious acknowledgement of a corresponding shift between two very different eschatological perspectives.

Issues in Eschatology

Eschatology is the subdiscipline of theology that focuses on events of the future. Evangelicals and Mormons have both been very interested in end-times questions—the main difference being, of course, that the two groups set forth quite different end-time scenarios. Unlike the Mormons, however, we Evangelicals have also expended much energy arguing with *each other* about the details of “Bible prophecy,” with our disagreements stemming from three different views about the proper interpretation of the reference in Revelation 20:1–6 to the thousand-year reign of Christ.

Premillennialists believe that Christ will return from heaven before (“pre-”) the millennium. Often this view takes a quite pessimistic view of the last stages of human history. Things will get worse and worse, with a positive turn occurring only when Christ dramatically returns to earth to establish his thousand-year reign of peace and righteousness. The premillennialists are obviously the most literal in their interpretation of Revelation 20 and other texts that have an end-time feel to them. After the bad things prophesied in Matthew 24 occur, they say, the scenario sketched out in Revelation 20 will unfold as described there. Christ will return and “bind” Satan, putting the Evil One out of commission for a thousand years. During this time, Christ—along with those who have been martyred for the faith throughout history—will bring a worldwide millennial reign of peace and righteousness. When the millennium comes to an end, Satan will be released and will deceive a vast majority of the human race. A mighty conflict will then take place—the great battle of Armageddon (see Rev. 16:15–16). Here Satan will be decisively defeated and will be cast into “the lake of fire and sulfur,” where he will be “tormented day and night forever and ever” (Rev. 20:10).

Postmillennialists believe that Christ will return after (“post-”) the millennium. They take less of a “blow-by-blow” approach in their interpretation of Revelation 20. The actual one thousand year number, they say, does not need to be understood literally; it may be only a symbol. But it does point, they insist, to an extended reign of peace and righteousness that will occur in the last stages of human history, prior to Christ’s triumphant return. During this period the Christian church will make great gains in its influence. Many will be brought into the church, and the influence of Christian teaching will have a positive influence throughout the world, even where people do not convert to the Christian faith. Peace and

righteousness will prevail, with a significant alleviation of the problems that have long plagued humankind.

Amillennialists (“a-” = “no”) differ from the other two positions in their denial that the passage in Revelation 20 refers to an actual period of time that will occur in connection with—either immediately before or after—the return of Christ. Rather they see the one-thousand-year reign mentioned in Revelation 20 as a symbol of the situation that took effect with the establishing of the Christian church at the time of Pentecost and that will endure until the end of time. The church is the primary embodiment of the perfection of the Kingdom of God on earth, for which the number one thousand is a symbol—a Kingdom that will be experienced in its fullness only in the eternal realm.

Dueling Eschatologies

My sense is that American Evangelicals shift back and forth between two moods about America: a postmillennial optimistic mood and a premillennial pessimistic one. Puritan postmillennial optimism went underground when Darwinism emerged as a dominant cultural force in the nineteenth century. As the historian George Marsden once put it, the transition from the nineteenth century to the twentieth was for American Evangelicalism something very much like an immigrant experience. Although the migration was not a geographic one, there was a widespread sense that Evangelicals had somehow been transported into a strange new land. They had moved from the New Israel to the New Babylon. “America the Beautiful” was replaced by “This world is not my home, I’m just a-passing through.”

Now there has been another shift in the past few decades, when Evangelicals, long accustomed to thinking of themselves as a moral and spiritual minority in American culture, suddenly proclaimed themselves in the late 1970s to be the vanguard of a “Moral Majority.” And while that particular movement has faded from the scene, we still tend toward post-millennial optimism: “This world is not my home” has given way in our hymnody to “Shine, Jesus, shine, fill this land with the Father’s glory.”

This latest shift seems to have something to do with the significant upward mobility Evangelicalism has experienced in recent decades. Pentecostal and holiness congregations, which once stood on the wrong side of the tracks, are now often flourishing “mega-churches” occupying the best real estate in town. As a result, our theological self-understanding, which for a long time had featured a sense of cultural marginalization, has had to be altered. The problem is, though, that much of this theological shift has

happened instinctively. It is as if there are two different political theologies that lie deep in the American Evangelical collective unconscious, one a remnant apocalypticism and another a Chosen Nation triumphalism, and Evangelicals allow one or the other to emerge, and to dominate their collective patterns for a while, as befits their cultural mood.

The problem, of course, is that when this kind of thing happens instinctively, there is little attention paid to the theological basis for our self-understanding as Americans. This results, for example, in some interesting inconsistencies. Why, for example, the popularity of an apocalyptic “Left Behind” popular literature with the same folks who sing “Shine, Jesus, Shine”? And it also leads to continuing embarrassments, as when visible Evangelical leaders make pronouncements about world events and world religions that lack theological clarity.

Locating Mormonism’s “Zion”

Now I am going to meddle in another group’s theological business, by suggesting that Mormonism has similar issues to deal with in its theological understanding of the role of America in God’s plan for history.

In the 1835 statement that I cited earlier, Joseph Smith makes the straightforward claim that the Book of Mormon tells us “the very identical continent and spot of land upon which the new Jerusalem is to stand.” This strict identification of the Missouri location as Zion, however, begins to broaden out when the Saints settle into Utah. Thus, in 1893 in Salt Lake City President Joseph F. Smith delivers a discourse in which he observes that the prophecies that in 1831 were meant to apply to the Missouri settlement can now be applied to Utah also:

For, mark you, the land of Missouri is not alone the land of Zion; but wherever the people of God are gathered together and they sanctify the land through obedience to the commandments of God, that land will become a land of Zion unto them. This, therefore, is the land of Zion unto us.¹³

Here we have a view not unlike Christian amillennialism, where “Zion” ceases to be primarily geographical and comes to be associated with the spiritual influence of the people of God. If you want to find Zion, in this view, look to those places where people are living in obedience to the will of the Lord—it is precisely that way of life, that pattern of obedience, by which the place in which the Saints are living “will become a land of Zion unto them.”

Alongside this “spiritualizing” of the Zion motif—so that, for example, we can find the Zion of this definition wherever in the world the Saints are

sanctifying their geographic location by living in obedience to the divine commandments—there is another Mormon view, one that keeps the geographic understanding of Zion as an American phenomenon, but which distinguishes between the fortunes of the American nation and those of the Mormon community within that nation. As Richard Bushman has observed, Joseph Smith’s vision of the unfolding of prophetic events was both premillennial and postmillennial. “The early Mormon view of the millennium cut across this division” in Protestant thought, Bushman explains. Bushman notes that Joseph Smith did not see things going well for the American nation as such. The Mormon leader prophesied that many calamities, especially plagues and other natural catastrophes, would visit the earth just before the Second Coming, when Christ would return to establish his millennial reign.¹⁴ In this sense, early Mormonism had some affinities with Evangelical premillennialism.

But at the same time, the Mormon Zion would prosper, and in all of this it would be protected from the calamities experienced by the larger American society. The Mormon community would function, then, as a place of refuge for those who live in obedience to the divine ordinances. In this respect, argues Bushman, for Mormons there is—as it were—a kind of postmillennial development within a larger premillennial context.¹⁵

Theological Narratives about America

So I ask directly now the question posed in my title: What does God think about America, according to Mormon and Evangelical perspectives? More specifically, what *ought* these two groups to say about the role of America in God’s plan for human history?

I have said enough already to support the observation that both Mormons and Evangelicals have operated with somewhat fluid applications of biblical imagery about the New Jerusalem, the New Israel, and Zion. When, for example, Joseph Smith wrote in that 1835 statement that “we learn from the book of Mormon, the very identical continent and spot of land upon which the new Jerusalem is to stand,” he clearly had the Missouri settlement in mind. Later, after the trek to Utah, the Salt Lake City region became the potential glorified Zion for many Mormons. But then, as we saw in the teaching of President Joseph F. Smith, Zion came also to take on a broader and spiritualized identity: Zion is present wherever people live in obedience to the divine ordinances.

Evangelicals, on the other hand, have not had a specific *region* of the American nation in mind when they have thought of America as the locus of the New Jerusalem. In early New England Puritanism, the reference to

a biblical city set upon a hill was actually applied to a more general region than a particular city. Rather than thinking of a specific part of the country as the site of a glorious Zion, Evangelicals have been more inclined to think generally in Chosen Nation terms about America as such.

For Mormons, by way of contrast, the Chosen Nation theme has never been very important to their understanding of America. Indeed, the question of whether the Mormon community would actually be a part of the United States was up in the air for a good part of their early history. Whatever the Mormon understanding of the location of the New Jerusalem, the Mormon community's being a part of the American nation as such was never a requirement.

As I see things, a key difference between Mormon and Evangelical understandings of the status of the American nation in the divine economy has to do with where our respective stories about America begin. Evangelical conceptions of America have been shaped significantly by a story—one that draws heavily on biblical motifs—of an “errand into the wilderness,” where a godly people took over a land from its previous occupants, thereby bringing godliness to the North American continent. The Mormon narrative about America, on the other hand, begins much earlier. In this story those previous occupants play the most interesting role. For Mormons, the “chosenness” of America as a key location for the unfolding of God's plan has much to do with the pre-Puritan past—a period to which almost no attention is given in the narratives of mainstream American Christianity. Thus, for Mormonism, America is blessed by God, not because of any special favor he shows to the United States as a nation, but rather because it is the geographic location to which certain branches of the ancient tribes of Israel migrated.

Clarifying the Issues

What does all of this mean for our present situation as religious communities in the United States? I want to suggest that this is an important time for both Mormons and Evangelicals to clarify their understanding of the role of the American nation in the divine economy, for at least two reasons.

First, both of our movements have been experiencing significant numerical growth outside of the United States in recent years, which means that we are each facing increasing challenges to “de-Americanize” our theologies. The crucial challenge in this regard for American Evangelicals is to make our national identity subordinate to our primary identity as people who have been incorporated into a community drawn from every

tribe and tongue and nation, and given a new kind of unity through the shed blood of Calvary. I don't know what the challenges are specifically for Mormonism, but I do suspect that some creative thinking is required about how American Mormons view their relationship to Mormons who make their homes in other lands, with no plans to gather in an American Zion.

Second, *in* our American context, Evangelicals and Mormons increasingly find themselves working together on issues relating to the common good; as Mormons and Evangelicals engage in these cooperative efforts it would be helpful to clarify our respective understandings of what God's will *is* for the American nation. Very often the assumption of a Chosen Nation status for one's country reinforces an attitude of uncritical patriotism, with a presumption that national goals, especially as they have a bearing on international relations, have a divine endorsement. For reasons I have touched upon briefly here, it is my contention that such a perspective is not theologically appropriate for either Mormonism or Evangelicalism, as viewed from the "inside" of each of our theological systems.

From the Mormon perspective, it should be clear from the foregoing that the prospect of a future glorious Zion on the North American continent has nothing to do with the national fortunes of the United States. Indeed, that Zion might actually develop as a refuge region during a time when the American nation at large is experiencing a variety of visitations of God's wrath.

For American Evangelicals to de-Americanize our theology of nationhood requires a critical examination of a rather long tradition of applying Chosen Nation imagery to the American experience. This can be carried out successfully if at least two strategies are followed. One is to acknowledge that what we have applied to the American experience is in fact *imagery*, and that we are hard put to demonstrate biblically that this imagery is *rightfully* applied to our own nation. Here it is very helpful to compare our use of this imagery to the parallel situation of South Africa under *apartheid*, where the Afrikaners saw themselves as the New Israelites, called by God to go into a wilderness and find a promised land which they could conquer by subjugating its inhabitants.¹⁶ It should be obvious by now that this was a perverse theology, and it would be a good exercise for American Evangelicals to be clear about its defects as a means of examining our own assumptions about the American experience.

The second strategy is to recognize that even if the United States were to be assigned an especially "chosen" role in God's end-time plan, this role does not justify a Christian posture of uncritical support for the nation's goals. This should be clear from a consideration of the history of the

“older” Israel. The Old Testament prophets made it clear that God would never bless Israel if she was not promoting righteousness among the other nations. If we, then, want to encourage any contemporary nation—including the United States or the present-day nation of Israel—to claim special divine blessings, we do well to urge that nation “to do justice, and to love kindness, and to walk humbly” before the face of God (Micah 6:8).

The bottom line for both Evangelicals and Mormons, then, is that our respective theologies of America require each of our communities to serve as responsible citizens who are committed to a way of life that is not to be identified with “the American way” as such. We each acknowledge ultimate loyalty to the laws of God’s Zion. We have much to discuss together about how we can best cooperate for the common good, even as we follow quite different understandings of what it means to conform to the will of God. Indeed, it may be that in exploring ways to pursue our common tasks as citizens, we can find opportunities to talk frankly together—in a more productive manner than we have been able to find in the past—about our serious disagreements about matters that are of eternal importance.

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1. The view that America had been chosen as the seat of the millennial Kingdom is often attributed to Jonathan Edwards, but Gerald McDermott has convincingly argued that Edwards did not hold to such a view. In making his case, however, McDermott does provide examples of seventeenth- and eighteenth-century people who did hold to this view—for example, the military leader Edward Johns, who confidently asserted “that New England was ‘the place where the Lord will create a new Heaven, and a new Earth in, new Churches, and a new Common-wealth together,’” and Chief Justice Samuel Sewall, who predicted “that the ‘Divine Metropolis’ would be seated on the American continent.” Compare Gerald R. McDermott, *One Holy and Happy Society: The Public Theology of Jonathan Edwards* (University Park, Pa.: Pennsylvania State University Press, 1992), 61.

2. Joseph Smith, “To the Honorable Men of the World,” *The Evening and the Morning Star*, August 1832, 22, in Joseph Smith Jr., *The History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2d ed. rev., 7 vols. (Salt Lake City: Deseret Book, 1971), 1:283–84.

3. Joseph Smith, “To the Elders of the Church of the Latter Day Saints,” *Messenger and Advocate*, November 1835, 210, in *History of the Church*, 2:261–62.

4. Orson F. Whitney, in *Collected Discourses: Delivered by President Wilford Woodruff, His Two Counselors, the Twelve Apostles, and Others*, ed. Brian H. Stuy, 5 vols. (Burbank, Calif.: B. H. S. Publishing, 1987), 1:355.
5. Jan Shipps, *Mormonism: The Story of a New Religious Tradition* (Urbana: University of Illinois Press, 1985), 75.
6. “Dogmatic Constitution on the Church, Lumen Gentium, Solemnly Promulgated by Holiness Pope Paul VI on November 21, 1964,” Chapter III, Section 25, http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19641121_lumen-gentium_en.html.
7. Richard L. Bushman, *Joseph Smith and the Beginnings of Mormonism* (Urbana: University of Illinois Press, 1984), 142.
8. Shipps, *Mormonism*, 76.
9. Shipps, *Mormonism*, 77.
10. S. Franklin Logsdon, *Is the U.S.A. in Prophecy?* (Grand Rapids, Mich.: Zondervan Publishing House, 1968), 3.
11. Logsdon, *Is the U.S.A. in Prophecy?* 63.
12. Logsdon, *Is the U.S.A. in Prophecy?* 64.
13. Joseph F. Smith, in *Collected Discourses*, ed. Stuy, 3:212.
14. Bushman, *Joseph Smith*, 170.
15. Bushman, *Joseph Smith*, 170.
16. The development of this theological rationale for *apartheid* is spelled out in great detail by T. Dunbar Moodie in his *The Rise of Afrikanerdom: Power, Apartheid, and the Afrikaner Civil Religion* (Berkeley: University of California Press, 1975).



Courtesy Wulf Barsch

Detail, *I Am a Brother to Dragons and a Companion to Owls*, by Wulf Barsch. With the firmament often acting as his subject, Barsch's paintings invoke a sense of the infinite through mathematical symbols. See *To Depict Infinity: The Artwork of Wulf Barsch* on pages 33–38.

To Journey Beyond Infinity

Kent A. Bessey

The notion of infinity has fascinated philosophers, scientists, and mathematicians for millennia. Its enigmatic nature seemed to thwart all attempts to unlock its secrets. Scriptural allusions to the infinite evoke a similar sense of mystery. Few have been as intrigued by the concept of infinity—or as tenacious in trying to understand it—as the German mathematician Georg Cantor. Between 1874 and 1884, Cantor published numerous papers that illuminated some of the shadowy regions of the infinite.¹ He discovered a remarkable realm where half of a pie is as large as the whole, infinity comes in different sizes, and miracles are mathematically plausible.

Cantor's journey to infinity began in a rather pedestrian way as he sought to determine whether two collections of things—called sets—contain the same number of objects. This could be accomplished, of course, simply by counting the objects in each set and comparing the results. If the sets are large enough, however, one may not finish counting within a lifetime, many lifetimes, or ever. Another approach, which lies at the core of Cantor's reasoning, is to find a way (if possible) of pairing the objects in each set.² For example, suppose we want to know if BYU's Marriott Center can accommodate all individuals intent on attending a devotional address. Let P represent the set of people who would like to be seated in the Marriott Center. Let S represent the set of available seats. Inviting all such individuals into the auditorium and asking them to take a seat will quickly reveal the relative sizes of the sets P (people) and S (seats). If every seat is taken and no one is left standing, then the number of individuals is the same as the number of seats. In this case, we say the sets P and S have the same *cardinality*.³ After all the seats are taken, if there are still

people standing, then the number of individuals is more than the number of seats. In this case, we say the cardinality of the set P is greater than the cardinality of the set S . Finally, if everyone is able to find a seat and there are still seats available, then we say the cardinality of the set P is less than the cardinality of the set S .

Some might wonder how this simple exercise could possibly shed light on the concept of infinity. But consider this: did we at any point need to know the actual number of individuals or seats when comparing the sizes of the sets P and S ? No, we did not. The pairing of a person with an available seat circumvented the need to know how many seats there were or the number of attendees at the devotional. Through pairing, we can determine whether the cardinality of a set is less than, more than, or the same as the cardinality of another set without knowing the number of objects in either set.

Armed with this technique, Cantor made discoveries that profoundly altered mathematicians' views of infinity. Applying the pairing procedure to truly large sets—infinite sets such as the set of positive integers $\{1, 2, 3, 4, \dots\}$ —he concluded that the set of positive even integers $\{2, 4, 6, 8, \dots\}$ has the same *number* of numbers as the set of positive integers. This follows because a pairing can be made between all the numbers in both sets. More specifically, by doubling each number in $\{1, 2, 3, 4, \dots\}$ we get a number in $\{2, 4, 6, 8, \dots\}$, so that 1 is paired with 2, 2 is paired with 4, 3 is paired with 6, as shown:

1, 2, 3, 4, . . .
2, 4, 6, 8, . . .

Observe also that every number in either set has a partner assigned through this pairing process. Therefore, the cardinality of the set of positive integers is the same as the cardinality of the set of positive even integers.

It is possible to have missed the significance of what we just did. We have shown that a *part* can be as large as the *whole*.⁴ In other words, half of a pie can be as large as the whole pie. In the realm of the infinite, ordinary intuition proves inadequate. My students soon discover this when we study infinite sets. As a point of discussion, I have my class read Doctrine and Covenants 84:38, which states: “And he that receiveth my Father receiveth my Father’s kingdom; therefore all that my Father hath shall be given unto him.” Giving away all that one has is a sure road to penury. Because of this, some have argued that the above scripture refers to the sharing of power. But receiving another’s kingdom and being given all that the other has seem more tangible than the sharing of power alone. Suppose

this scripture also refers to the sharing of tangible, though perhaps celestial, possessions. Can we still make sense of the scripture? I believe we can. Each semester I assign my students (enrolled in *Foundations of Mathematics*) the following problem:

Consider the set of positive integers $\{1, 2, 3, 4, \dots\}$. Let each positive integer represent a one-ounce gold coin. Suppose all these coins are yours to share. By means of either a formula or a diagram show that you can give an *infinite* number of these coins to an *infinite* number of people while retaining an *infinite* number of coins for yourself.

Faced with a challenging mathematical problem, a person would do well to tackle easier versions of the problem first. In the present context, a good place to start is to identify a way of sharing infinitely many of these gold coins with one other person while retaining infinitely many coins for yourself. A simple solution is to give the other person the gold coins associated with the positive *even* integers while retaining the coins that correspond to the positive *odd* integers. Next, you might try devising a procedure that assigns an infinite number of these coins to an arbitrary but finite number of people while retaining infinitely many coins for yourself. Once you have accomplished this, you are only one step away from solving the original problem. Pictorially, the final step to the solution is elegant and accessible. Arrange the positive integers, which represent the one-ounce gold coins, into an infinite diagram (as depicted below). Observe the pattern of consecutive integers along each diagonal line:

You retain →	1	3	6	10	15	21	.	.	.
You give →	2	5	9	14	20	.	.	.	
You give →	4	8	13	19	.	.	.		
" "	7	12	18	.	.	.			
" "	11	17	.	.	.				
" "	16	.	.	.					
	.	.	.						
	.	.							
	.								

Retain the gold coins corresponding to the first row of this diagram: 1, 3, 6, 10, 15, 21, . . . ; give the second person the coins corresponding to the second row: 2, 5, 9, 14, 20, . . . ; give the third person the coins corresponding to the third row: 4, 8, 13, 19, . . . ; and so forth. In this way, you can share an infinite number of these coins with an infinite number of people while retaining an infinite number of coins for yourself. So indeed, it is possible for an individual in possession of sufficient (that is, infinite)

wealth to share an equal portion with others while retaining the original amount of wealth.

Cantor did not stop his investigation of infinity here. What he did next was so breathtaking that prominent mathematicians of his day refused to give him audience to justify his results. He demonstrated that not all infinite sets are of the same size—of the same cardinality—and that some infinite sets are *tremendously* larger than others. He proved, in other words, that there are different sizes of infinity. Most mathematicians were unprepared for such a conclusion, and many dismissed it as fantasy. Today, in contrast, Cantor's work is considered to be among the greatest performed in the field of mathematics. Yet his discovery of higher orders of infinity was more serendipitous than intentional. The whole notion, however, became plausible when he considered the collection of all subsets of a set, where a subset consists of some, none, or all of the objects in the set.

The collection of *all* subsets of a set is called the *power set*. Informally, to obtain a power set we look for all combinations of objects from the given set. For example, the power set of $\{1, 2, 3\}$ is $\{\emptyset, \{1\}, \{2\}, \{3\}, \{1, 2\}, \{1, 3\}, \{2, 3\}, \{1, 2, 3\}\}$, where \emptyset represents the empty set. If the idea of a power set intrigues you, then I encourage you to take (or audit) an introductory course in set theory. In that course we prove that the cardinality of the power set is always greater than the cardinality of the original set. For instance, the cardinality of the power set of $\{1, 2, 3\}$ is 8, since it contains 8 subsets, as listed above, while the original set $\{1, 2, 3\}$ has cardinality 3. More generally, the cardinality of the power set for a set of size n is 2^n , because there are 2^n subsets that can be formed from a set containing n objects.⁵ Thus the power set for a set of three objects contains 2^3 subsets. The power set for a set of four objects contains 2^4 subsets, and so forth.

Let us explore how quickly the size of the power set grows as n increases. We have already shown that the power set of $\{1, 2, 3\}$ contains 2^3 or 8 subsets. Using the general formula, we conclude that the power set of $\{1, 2, 3, 4\}$ contains 2^4 or 16 subsets; the power set of $\{1, 2, 3, 4, \dots, 10\}$ contains 2^{10} or 1,024 subsets; and the power set of $\{1, 2, 3, 4, \dots, 100\}$ contains 2^{100} or 1,267,650,600,228,229,401,496,703,205,376 subsets, which is more than one million trillion trillion. Exploring further, we discover that the power set of $\{1, 2, 3, 4, \dots, 1000\}$ contains 2^{1000} subsets, where 2^{1000} equals a number that has 302 digits! Thus, by means of the power set, any finite set can be used as a stepping stone to build another, much larger, finite set.

Notwithstanding the impressive size of the power set for large finite sets, it was not until Cantor turned his attention to forming the power set of the *infinite* set of positive integers $\{1, 2, 3, 4, \dots\}$ that the unfathomable occurred—this power set landed him on the other side of infinity. As with

finite sets, the cardinality of the power set of $\{1, 2, 3, 4, \dots\}$ is *larger* than the cardinality of the set itself. How can two infinite sets be of different sizes? How would we prove that they are? If we can show that *every* pairing between these sets leaves out objects from one of the sets, then the set with unpaired objects is larger than the other. Such is the case with $\{1, 2, 3, 4, \dots\}$ and its power set. Every pairing between the sets leaves objects in the power set without partners.⁶ Therefore, the power set of $\{1, 2, 3, 4, \dots\}$ is a larger infinite set than $\{1, 2, 3, 4, \dots\}$! For this reason, the set of positive integers is referred to as *countably* infinite and its power set as *uncountably* infinite, or more succinctly, *uncountable*.⁷

The power set of the positive integers is so large that few mathematicians would claim to have a genuine sense of its size. I wonder whether Moses 1:35 is relevant here: “For behold, there are many worlds that have passed away by the word of my power. And there are many that now stand, and *innumerable* are they unto men; but all things are *numbered* unto me, for they are mine and I know them” (emphasis added). Also, I suspect the reference to “many” in John 14:2, “In my Father’s house are many mansions,” is a spectacular understatement.

We can now restate our wealth-sharing problem with greater precision:

Consider the set of positive integers $\{1, 2, 3, 4, \dots\}$. Let each positive integer represent a one-ounce gold coin. Suppose all these coins are yours to share. By means of either a formula or a diagram show that you can give a *countably* infinite number of these coins to a *countably* infinite number of people while retaining a *countably* infinite number of coins for yourself.

The adventurous reader might wonder if the above problem is still possible if we replace “the set of positive integers” with “the *power set* of the positive integers” and “countably infinite” with “uncountable”:

Consider the *power set* of the positive integers. Let each subset of the positive integers represent a one-ounce gold coin. Suppose all these coins are yours to share. By means of either a formula or a diagram show that you can give an *uncountable* number of these coins to an *uncountable* number of people while retaining an *uncountable* number of coins for yourself.

The answer is yes. The problem can be solved, and the proof is within the grasp of a third-year mathematics student. Another question some might have is whether there is an infinite set whose cardinality is *greater* than that of the set of positive integers but *less* than that of the power set of the positive integers. The answer: “We don’t know.” This question is undecidable using the axioms of set theory. Most mathematicians, however, do not believe such an infinite set exists.⁸

Have we reached the end of our journey in search of larger infinite sets? We have scarcely begun. For now we have a method, or some might say a metaphor, that inexorably churns out larger and larger sets of larger and larger “infinities.” If the cardinality of the power set of the positive integers is beyond human comprehension, then what about the *power set of the power set* of the positive integers? Ineffably large! Dare we ask: what about the *power set of the power set of the power set* of the positive integers? The mathematically minded should be overcome by cerebral exhaustion. Power set upon power set upon power set *ad infinitum* gives new meaning to the scripture “Be still and know that I am God” (D&C 101:16).

Although some may doubt the reality of infinite sets of different sizes, I am confident that the reader has experience with two particular infinite sets—one larger than the other. The first is the set of positive integers, which is countably infinite. The other is the set of decimal numbers, called real numbers. The set of real numbers has the same cardinality as the power set of $\{1, 2, 3, 4, \dots\}$, which is uncountable. Their equivalence can be established, as always, by appropriately pairing real numbers with subsets of $\{1, 2, 3, 4, \dots\}$. Real numbers are often represented by points (locations) on a line—called the real number line—where zero lies in the middle, negative numbers to the left, and positive numbers to the right. This line is a geometric realization of an uncountable set. The real numbers saturate the number line in the sense that any finite segment of the line contains uncountably many points. As an aside regarding Amulek’s description of the Atonement as “an infinite and eternal sacrifice” (Alma 34:10), the saturating quality of the real numbers suggests the possibility of compressing an eternity of experiences into a finite amount of time.⁹

Germane to our discussion of infinite sets is a result Cantor proved regarding the real number line and its higher-dimensional analogs. One dimension is characterized by restricted movement along a line—what we might call forward/backward movement. Two dimensions enjoys a greater degree of freedom, characterized by forward/backward and left/right movement. Three dimensions is characterized by forward/backward, left/right, and up/down freedom of movement. Some may question my use of the word movement, since motion requires an additional time dimension. But I have chosen this word solely for its intuitive appeal, which helps convey the desired sense of spatial dimension.

Maintaining his remarkable record for disquieting the mathematical community, Cantor proved that one-dimensional space (a line) has *exactly* the same number of points as two-dimensional space. Stated more precisely, the cardinality of the set of points that form a line is the same as

the cardinality of the set of points that form two-dimensional space.¹⁰ This should be upsetting. On a piece of paper, draw a line of whatever length you would like. The line you have drawn is made up of exactly the same number of points as the points that make up the entire piece of paper! In other words, you can take an edge of the piece of paper and rearrange the points on that edge to form an entirely new sheet of paper (albeit, an extremely flat one) of whatever length and width you choose.

But if one- and two-dimensional spaces have the same number of points, then perhaps two- and three-dimensional spaces also have the same number of points. Such is the case. Consequently, one-dimensional space and three-dimensional space have the same number of points! Now, find a box. Identify an edge on the box (not a side, but an edge). You can rearrange the points on that edge to form an entirely new box of whatever size you would like. If you want to get more imaginative, the points on that edge can be rearranged to form *any* three-dimensional object whatsoever. Suddenly, the “feeding of the five thousand” becomes mathematically conceivable: a few morsels can be rearranged point-for-point to fill baskets full of food!¹¹

Equally tantalizing is the relationship between two and three dimensions. Imagine, if you can, what it would be like living in a two-dimensional world, where spatially there is only forward/backward and left/right.¹² There is no up/down freedom of movement—it just does not exist for you. Your world is restricted to a flat surface, such as a tabletop. You cannot jump *up* off the table because in your world there is no up. Geometrically, you have a length and a width but no height. For the sake of simplicity, suppose you are a circle with its interior as the inside of your body. Outside the circle is the world around you in this two-dimensional universe. Unknown to you, there is a larger three-dimensional world, of which your world comprises two of the dimensions. Consequently, there is an up/down direction but only for those living in three dimensions. Such individuals would have full view of you and others on the tabletop, but they could easily remain out of sight from everyone in your two-dimensional world. Yet denizens of three dimensions could choose to be seen, at least in part, by coming in contact with the tabletop. For example, imagine that a glass (which is three-dimensional) is placed on the table. The bottom of the glass, being in contact with the tabletop, can be viewed by those living on the surface of the table. It would seem to have appeared out of nowhere and can disappear just as quickly when the glass is lifted off the table.

Perhaps more intriguing, suppose you, as a circle and its interior, become ill with cancer. You opt for surgery to remove a tumor. Removing the tumor in your two-dimensional world requires cutting through your

circumference (the outer portion of the circle that encloses your interior body). This is the only way a doctor in your world could surgically get to the tumor. But suppose a benevolent, competent individual in the three-dimensional world wanted to help. The tumor is in full view and is easily accessible in three dimensions without needing to cut *through* you. Assistance could come from above as the three-dimensional benefactor performed surgery *from inside you*, and the entire procedure would be hidden from the eyes of two-dimensional observers.

Analogously, the fourth or a higher dimension might be a place for spirits or heavenly beings. They would have an unobstructed view of our three-dimensional world while remaining invisible to us. They could make contact with us and even change the course of events. Mathematicians are not perturbed by the notion of higher-dimensional spaces. In fact, from a mathematical standpoint the fourth dimension is quite prosaic. Cantor commonly worked with n -dimensional space, where n can be any positive integer. For example, in 53-dimensional space, instead of having just forward/backward, left/right, and up/down, you have 50 additional choices of directions.¹³ Talk about freedom! But even 53 dimensions would seem restrictive compared to still higher-dimensional spaces. Freest of all, one may surmise, is a *countably infinite* dimensional space, where you have a countably infinite number of directions to choose from. Yet even this space pales by comparison to an *uncountable* dimensional space, where you have an uncountable number of degrees of freedom when moving about, revealing worlds within worlds within worlds.

The enchanting qualities and protean nature of infinity continue to captivate and stir the imagination. Cantor transformed the mathematical landscape by his inquiries into the infinite. He discovered a realm of paradox and poetry of a sort never before encountered, where human intuition has little authority. He demonstrated the value of a single, simple, right idea. Above all, he altered mathematicians' view of infinity as an interminable process (a verb) to an actual entity (a noun). It was as though he had been inspired by the imagery evoked in William Blake's poem "Auguries of Innocence": "[To] hold infinity in the palm of your hand."

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1. Cantor's six-part treatise on set theory appears in the German journal *Mathematische Annalen*.

2. In mathematical terminology, a pairing of the objects in two sets is referred to as either a "one-to-one correspondence" or a "bijection."

3. Cardinality refers to the number of elements in a set; conceptually, the set's magnitude or size.

4. Using the most fundamental of all measures in Measure Theory—the counting measure—yields the same measurement for the set of positive integers as it does for the set of positive even integers. Hence, we may say, "a *part* can be as large as the *whole*."

5. This follows from the Fundamental Counting Principle.

6. For the intrepid reader, I give an informal proof that the power set of $\{1, 2, 3, 4, \dots\}$ is larger than $\{1, 2, 3, 4, \dots\}$ in cardinality. Before doing so, it is customary (for the sake of notational simplicity) to identify the power set of $\{1, 2, 3, 4, \dots\}$ with the collection of infinite strings—called sequences—of zeros and ones. We can represent any subset of $\{1, 2, 3, 4, \dots\}$ by a sequence of zeros and ones. A "one" in the sequence denotes the presence of a number in the subset and a "zero" denotes its absence. For example, the subset $\{1, 2, 3\}$ is represented by 1, 1, 1, 0, . . . (zeros thereafter); the subset $\{1, 3, 4\}$ is represented by 1, 0, 1, 1, 0, . . . (zeros thereafter); and the subset $\{2, 4, 5, 7\}$ is represented by 0, 1, 0, 1, 1, 0, 1, 0, . . . (zeros thereafter). The process also works in reverse: given any sequence of zeros and ones we can reproduce the subset of $\{1, 2, 3, 4, \dots\}$ that corresponds to it. To prove that the power set of $\{1, 2, 3, 4, \dots\}$ is larger than $\{1, 2, 3, 4, \dots\}$ in cardinality, we need only show that *every* pairing between the positive integers and sequences of zeros and ones will leave some sequence without a partner. Given *any* pairing between the positive integers and sequences of zeros and ones, we can construct a sequence that has no partner. To illustrate this, consider a *particular* pairing between the positive integers and sequences of zeros and ones:

1	is paired with	1, 0, 1, 1, 0, 0, . . .
2	is paired with	0, 0, 1, 0, 1, 1, . . .
3	is paired with	1, 1, 0, 1, 1, 0, . . .
4	is paired with	0, 1, 0, 1, 1, 1, . . .
.	.	.
.	.	.
.	.	.

We can construct a sequence of zeros and ones that is different from the sequences listed above. For instance, consider the sequence 0, 1, 1, 0, . . . ; it differs from the first sequence in its first digit; it differs from the second sequence in its second digit; it differs from the third sequence in its third digit, and so on (see **bolded**

digits in the diagram below). This means the sequence 0, 1, 1, 0, . . . is not the same as any of the sequences listed; hence, it is not paired with any positive integer.

1	is paired with	1, 0, 1, 1, 0, 0, . . .
2	is paired with	0, 0, 1, 0, 1, 1, . . .
3	is paired with	1, 1, 0, 1, 1, 0, . . .
4	is paired with	0, 1, 0, 1, 1, 1, . . .
.	.	.
.	.	.
.	.	.

No matter what pairing we are given between the positive integers and sequences of zeros and ones, we can always find sequences without partners. Therefore, the set of sequences of zeros and ones is *larger* in cardinality than the set of positive integers. Consequently, the power set of {1, 2, 3, 4, . . .} is larger than {1, 2, 3, 4, . . .} in cardinality.

7. In mathematical parlance, *countably infinite* refers to a set that has the same cardinality as the set of positive integers {1, 2, 3, 4, . . .}. Whereas a *countable* set can be either a finite set or a countably infinite set. For this reason, we do not shorten countably infinite to countable. There is no such ambiguity in the uncountable case.

8. The common belief among mathematicians that there is no infinite set whose cardinality is greater than that of the positive integers but less than that of the power set of the positive integers is formalized in The Continuum Hypothesis.

9. Assuming time is sufficiently divisible.

10. (For advanced mathematics readers only.) Let R represent the set of real numbers. To prove that a line and two-dimensional space have the same cardinality as sets of points, it suffices to show that there is a bijection from R onto the Cartesian product $R \times R$. This can be accomplished by “unzipping” the real numbers. To illustrate this idea, consider the decimal expansion for a real number between 0 and 999: $d_1 d_2 d_3 . d_4 d_5 d_6 d_7 d_8 d_9 d_{10} d_{11} . . .$, where d_j is a digit between 0 and 9. Assign this real number to $(d_2 . d_4 d_6 d_8 d_{10} . . . , d_1 d_3 . d_5 d_7 d_9 d_{11} . . .)$ in the Cartesian product. Extending this assignment to all of R , while handling non-unique expansions with care, gives a bijection from R onto $R \times R$. Hence, a line and two-dimensional space have the same cardinality as sets of points.

11. Assuming matter is sufficiently divisible.

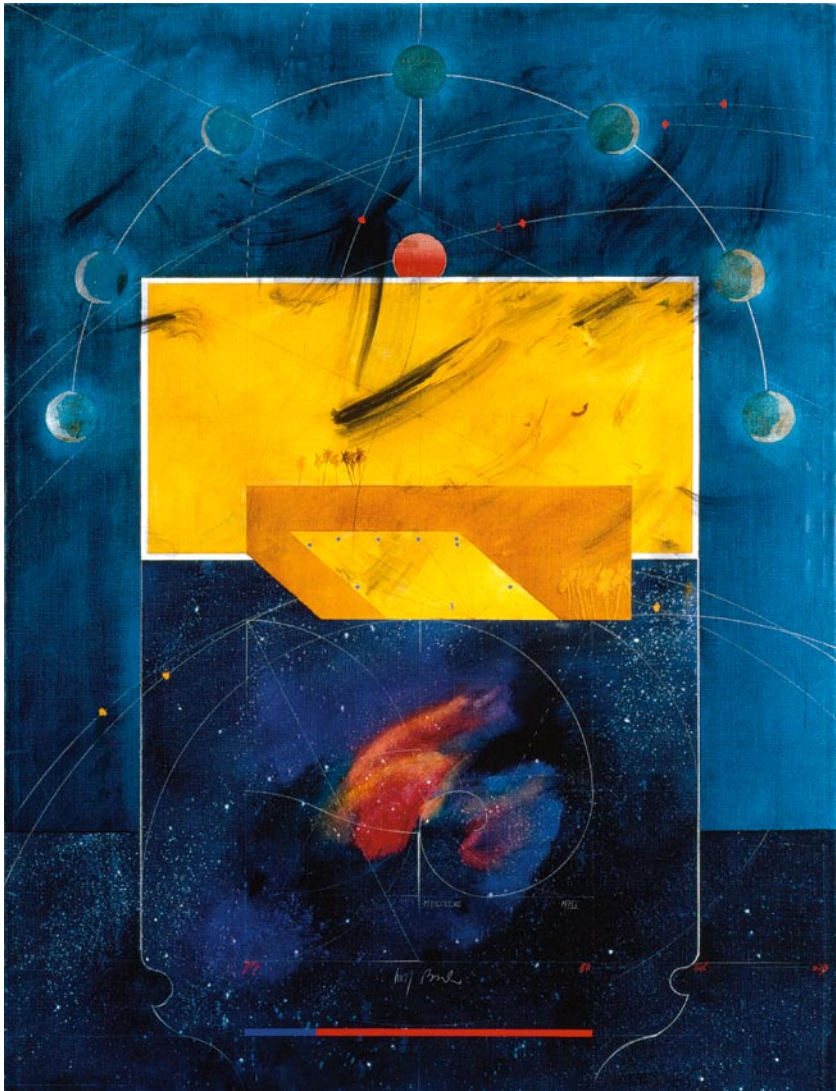
12. In 1884, Edwin A. Abbott wrote a delightful story about life in a two-dimensional world. His book *Flatland* is still in print, published by Dover Publications.

13. Orthogonal (perpendicular) directions.

To Depict Infinity

The Artwork of Wulf Barsch

Wulf Barsch studied art in Hamburg and Hanover, Germany, and is now Professor of Visual Arts at BYU. Although Barsch gives order to his paintings through mathematical precision and “sacred geometry”—divine proportions, circles, squares, parabolas, and the like—his brush stroke is loose, spontaneous, and very modern. The synthesis between the ancient Greek emphasis on proportion and his modern techniques brings a certain timeless character to his work.



MDCCCCIC, by Wulf Barsch. Oil on canvas, 78" x 52", 1999. Courtesy Wulf Barsch.



A recurring element of Wulf Barsch's paintings is dynamic symmetry, otherwise known as the golden mean. Mathematicians and artisans alike have noted that the ratio of the golden mean (1.618) is found ubiquitously in nature and in the universe. For this reason, many Renaissance artists referred to it as the divine proportion because it was considered an unmistakable sign of God's imprint on his creations. To get a sense for the divine proportion, notice the ratio that is created as the horizon divides the translucent center columns in this painting. *Et in Arcadia Ego...*, by Wulf Barsch. Oil on canvas, 52" x 78", 2000. Courtesy Wulf Barsch.



Barsch often includes a logarithmic spiral in his work that is based upon rectangles having the 1.618 ratio of the golden mean. This spiral evokes a sense of the infinite because it is formed by creating arcs through smaller and smaller (or larger and larger) “golden rectangles” that can be continued seemingly forever. Spirals such as these abound in the universe—from the double helix found in DNA to seashells, antelope horns, and even vast galaxies. *Ex Corde Lux*, by Wulf Barsch. Oil on canvas, 82" x 126", 2004. Courtesy Wulf Barsch.



Symbolic gestures toward the infinite universe are recurring themes in Barsch's art. His underlying motif is combining mathematical precision with fluidity: Barsch conveys a deep spiritual tone through depicting the proportion and order, as well as the apparent creativity, found in nature and the cosmos. "*For the Moon Is My Brother and the Morningstar Is My Offspring*," by Wulf Barsch. Oil on canvas, 40" x 30", 2002. Courtesy Wulf Barsch.



In Barsch's paintings there is a sense of longing for home; not merely in a temporal sense but in an eternal, interstellar sense. In this painting, the palm trees seem to take on an anthropomorphic quality, reaching away from the shade of the groves of which they are a part, as if they are yearning for an infinite, celestial home. *Untitled*, by Wulf Barsch. Oil on canvas, 48" x 52", 2003. Courtesy Wulf Barsch.



Though symmetry pervades this work, a lively motion contrasts the orderly proportions. The swirling movement and the celestial bodies in orbit evoke a sense of constant flow—that the creativity of God is everlastingly under way. This sense of being under way is also indicative of the story Barsch interweaves through all his works. A single painting does not have a beginning, middle, and end to its story; rather, his paintings act as only a part of a larger narrative that gives us a more expansive vision of nature and creation. *"I Am a Brother to Dragons and a Companion to Owls,"* by Wulf Barsch. Oil on canvas, 20" x 24", 2005. Courtesy Wulf Barsch.

“Every Book . . . Has Been Read Through”

The *Brooklyn* Saints and Harper’s Family Library

Lorin K. Hansen

On February 4, 1846, two groups of Latter-day Saints in the United States began their emigration out of the United States. The main body of the Church was leaving from Nauvoo, Illinois, under the leadership of Brigham Young, going overland to the West. The same day, also under instructions from Brigham Young, Samuel Brannan led a group from New York aboard the ship *Brooklyn*, going by sea around Cape Horn to San Francisco Bay.¹

At a social the night before the *Brooklyn* Saints left, Joshua M. Van Cott, a Brooklyn attorney and president of the local Hamilton Literary Society, presented the voyagers with 179 volumes of the Harper’s Family Library (HFL).² When the *Brooklyn* pioneers reached the Juan Fernandez Islands off the coast of Chile, three months into a six-month voyage, one of them sent a letter back to New York on another ship indicating that “every book in the little library has been read through”³ (see sidebar). The gift of the HFL is a testament to the generosity of Van Cott, but that at least one person had read each of the books during the voyage is an indication of the literacy level and the interests of the passengers.

Independent of the *Brooklyn* connection, the HFL is a marvelous window into American culture at the time of the Restoration, since it was first introduced in 1830, the year of the Church’s founding. The collection covered a broad literary spectrum and was targeted to meet the interests of the general public. The present article first describes and introduces the HFL and then presents an annotated, categorized listing of all the books in this significant mid-nineteenth-century library.



Courtesy Newburyport Maritime Society

[Probably Duncan McFarlane,] *Brooklyn*, ca. 1840. On display at the Custom House Maritime Museum, Newburyport, Mass., this painting is the only known image of the *Brooklyn* painted contemporaneously. The *Brooklyn* was a fully rigged ship, built as a maximum cargo trader by the firm of J. & M. Madigan of Newcastle, Maine, in 1834. In the background are Holyhead Mountain on the right and the lighthouse on Skerries Reef on the left, both features of Anglesey Island on the west coast of Wales. The painting hung for many years in the de Young Museum in San Francisco, was lost to the general public for many years, and was recently located by Lorin K. Hansen. It was this painting (then hanging in the de Young Museum) that Arnold Friberg used as a model for his own rendition of the *Brooklyn*, presently in the collection of the Museum of Church History and Art in Salt Lake City.

The Scope of Harper's Family Library

The HFL series was a rich trove of interesting reading, introduced by the New York publisher Harper & Brothers. The series included inspiring stories of explorers, adventurers, and political and military leaders. There were intellectually challenging volumes written by or about scientists, physicians, philosophers, creative artists, and political and social thinkers. Some volumes of the HFL were by American authors. For example, *Two Years before the Mast*, by Richard H. Dana, was first introduced in this series and quickly became an American classic. To broaden the coverage of topics, Harper's included many works already published in England—encompassing, in fact, 80 percent of the HFL titles.

The Harper brothers—James, John, Joseph Wesley, and Fletcher—were devout Methodists. They designed the series to be morally uplifting and to inspire faith in God. James Harper was the president of an abstinence society,⁴ and so perhaps it is understandable that the poetry collections were especially selected to avoid the topics of “love and drinking.”⁵ The series promoted religion, and in fact many of the authors chosen for inclusion in the series were ministers. But the series was not denominationally specific. In the words of the publisher, care was taken to “exclude every thing that could in the slightest degree have a prejudicial influence in a moral or religious point of view.”⁶ Being intellectually and morally uplifting and transcending denominational differences, the HFL contained material that would have appealed to Mormon readers.

The HFL series⁷ was introduced by Harper in 1830, and it reached a maximum at 187 volumes in 1845, shortly before the Mormon exodus. Having received 179 volumes, the *Brooklyn* passengers had an almost complete set. We have no information about which eight volumes were missing in the gift or why they were missing.⁸ The Harper books were compact (about 6¼ in. by 4 in.) and inexpensive (about 45 cents per volume, half a day's pay for manual labor). The market was receptive: there was a limited supply of inexpensive books in the new nation, and yet there was a high level of adult literacy (by 1830, about 80–90 percent).⁹ When John Quincy Adams was asked for an appropriate list of books for a library, the HFL was second on his list, following the Holy Bible.¹⁰ The books, which were sold widely to individuals, schools, and libraries, helped make Harper's a major American publisher.

Harper's Family Library and Education in Early America

Education and schooling were important in the early colonies, since colonists wanted their children to be able to read the Bible and live moral lives. Secondary and advanced schools were established to develop spiritual

A Newspaper Report of a Letter from a *Brooklyn* Passenger

Progress of the Mormon Emigrants from this City.

Last Winter a company of Mormon families left this city in the ship Brooklyn, Capt. Richardson, for California. So far as morality, enterprise, intelligence and habits of industry are concerned, they presented fair specimens of the universal Yankees, and seemed well fitted to lay the foundations of a great nation. The following extracts from a letter by one of their number give a favorable account of their progress:

ISLAND of JUAN FERNANDEZ, May 8, 1846.

The second day out we experienced a heavy sea, and on the following Tuesday laid-to all day, in a heavy gale of wind, which occasioned a great deal of suffering among the passengers, from sea-sickness, and being rolled from one side of the ship to the other, owing to their weakness; but they bore it without a murmur, or being in any way terrified at the danger, which was not a little.

Capt. Richardson (God bless the man!) and myself stood watching those noble "sticks" that have since done us such good service, with our hearts lifted up to the God of nations to spare them in his mercy. He did so, and the next day the ship flew before a fair wind like a thing of magic. We had a quick passage to Cape Horn, and found that the terrors of the passage round it, which had been depicted previous to our sailing, were all imaginary. Our little children were every day on deck, attending their school, jumping rope, and engaged in all the other amusements resorted to to pass off the time. We had no freezing weather, and at no time was the thermometer in our cabin below 50°. On the deck, at one time, it fell for about three hours as low as 36°, which was accounted for by Capt. R. by our passing near an iceberg. We ran up to the Cape with a fair wind, then took a West wind and ran up to 60° South latitude in four days, then took a South wind till we had made our longitude West of the Cape, and then took a fair wind down the Pacific, which lasted till a few days ago. All was then life, joy and gladness, in the expectation of soon going ashore at Valparaiso. We dealt out fresh water for all to wash themselves and their clothes in. Capt. R, also scoured up the ship,

and anticipated the astonishment of the natives at such a likely load of Yankees; for they certainly look one hundred per cent. better than when they left New-York, and since we started every thing has gone on with harmony and peace. We experienced, however, a heavy gale from the South, and were unable to continue our course with safety; so we scud before the wind, until it hauled to the East, and we thought it best to land at this Island.

There are but two families living on the Island, and they are distant only 20 days' sail from Fuckywana on the coast above Valparaiso. We found excellent water, and very easy to be obtained, about two rods from the beach; and plenty of fire-wood on the east side of the left hand mountain as you enter the harbor. Goats, hares and pigs abound here. The first settlement on this Island was burnt by the Peruvians six years ago; the fort destroyed, the canoes sunk in the harbor, and the convicts carried away. The last settlement was abandoned four years ago, at the time of the earthquake at Valparaiso, when the Island sunk and rose about fifty feet. I have been informed that ships watering at Valparaiso have to pay one dollar for every thirty gallons from the water-boats. If that be the case, our ships had better water at this Island.

The harbor here is said to be much the safest in a gale from the North—it lying on the North-east side of the Island, which makes it easy for ships to put to sea, if they do not lie too near the shore. We took on board 18,000 gallons of water yesterday, and to-day we are getting our wood on board, and we expect to sail to-morrow. We came to anchor in the harbor on the 4th day of May, 1 o'clock, P.M. The ship has proved herself to be better than she was represented, and our Captain and first mate have been good and kind to our company. I believe every book in the little library has been read through.

New York Journal of Commerce, Aug. 26, 1846, republished in the *New York Daily Tribune*, Aug. 27, 1846.

and political leaders for the colonies. However, many years passed before schools were made available to all potential students and the curricula expanded beyond religion and civics. Schools were a local issue and took a variety of forms, depending on the nature of the particular colony. While schools in coastal colonies were developing, the population was moving westward faster than schools inland could be established. Schools were often disrupted during the Revolutionary War. After the war, curricula began to emphasize the development of loyal citizens for a unified nation and the teaching of practical skills. Only by the 1830s and 1840s, however, did education begin to take the form of a general public education with the development of the national Common School system. Thus, in 1846, when the *Brooklyn* sailed, an adequate, general public school system was long in development but was still in the process of being formed. Adults of that generation of Americans, *Brooklyn* passengers included, often had missed opportunities for a basic education and thought of education as something they would have to achieve or complete on their own. Harper's Family Library was designed to help fill that need.

As the school systems improved, so did literacy levels. Even as early as 1791 a London bookseller was surprised to find that in America, "all ranks and degrees now READ."¹¹ Along with the increased ability to read came an increased affordability of reading matter. Steam-driven printing presses were introduced in 1830, and book prices dropped dramatically. Books were coming into the reach of almost everyone. As a result, beyond the formal school system, whether for self education, entertainment, or just making good use of long winter evenings, the United States was becoming a nation of readers.¹²

Across the Atlantic, England in the late eighteenth century saw a decrease in access to education because of the industrial revolution and other factors, and an increase in great social unrest and potential political revolution. Because of this situation, Thomas Dick and others in England established the Society for the Diffusion of Useful Knowledge, which offered a program to overcome social problems through education of the masses.¹³ As part of his activity in the society, Dick composed the book *On the Improvement of Society by the Diffusion of Knowledge, or an Illustration of the Advantage Which Would Result from a More General Dissemination of Rational and Scientific Information among All Ranks*. In the book he claimed that "the diffusion of knowledge among the general mass of society would eradicate those false and superstitious opinions which have so long degraded the human intellect; would introduce just conceptions of the attributes of the Deity, and of his operations in the system of nature; and would avert, or, at least, greatly mitigate, many of those physical evils to which the human race has been subjected."¹⁴ Part of that diffusion of

knowledge was to be achieved by self education. America had not yet experienced social unrest from an industrial revolution, but the advantages of education were thought to be just as real for America. This was the purpose of the HFL, and so Harper's included Dick's book in the series.

Perhaps the greatest example of self education in early America was Benjamin Franklin, who—with a year of grammar school, a year of private tutoring, and a fondness for reading—progressed to become a master printer, an internationally recognized scientist, a delegate to the Constitutional Convention, and the primary ambassador of a new nation. The HFL included two of his works, *Autobiography* and *Memoirs*. The *Autobiography* told of his thirst for reading, of the Junto he and his friends created for social improvement and shared learning, and his program for achieving moral perfection and skills of tact. For other examples of self education, the HFL provided readers with George Craik's *The Pursuit of Knowledge under Difficulties: Its Pleasures and Rewards*. Craik's volumes showed, "by adducing numerous and striking examples of individuals distinguished by great intellectual attainments under circumstances the least favourable, that knowledge is not necessarily confined to any class or condition of men; but that it is open to and within the reach of all; so that whoever will, even under difficulties the most discouraging, may, by the help of courage and perseverance, apply himself successfully to its pursuit."¹⁵ The message of Craik's books was, "If these people can succeed, so can you." Craik's volumes, first published in England, were once called the "favorite food of a generation of young Americans."¹⁶

Other volumes of the HFL addressed the topic of education. For example, Henry Immanuel Smith's *Education* gave the history of education from ancient to "modern" times and discussed the purposes of education: vocational preparation, patriotism, and moral refinement. Alonzo Potter's *Handbook for Readers and Students to Assist Private Individuals, Associations, School Districts etc. in the Selection of Useful and Interesting Works for Reading and Investigation* provided for the self taught a list of recommended reading for a full spectrum of intellectual fields of enquiry. And Harper's included John Locke's essay *Of Conduct of the Understanding*, which was essentially a manual for clear thinking and a discussion of the necessary habits involved in true education.

Education and Literacy among the Brooklyn Saints

Mormons as a people have always emphasized education. They, of course, acquired that emphasis from early American culture. But the interest was reinforced when they received commandments to select and write books for the schools of the Church (D&C 55:4) and to "teach one another words of wisdom; yea, seek ye out of the best books words of

wisdom; seek learning, even by study and also by faith” (D&C 88:118). They were told that “the glory of God is intelligence” (D&C 93:36) and to “study and learn, and become acquainted with all good books, and with languages, tongues, and people” (D&C 90:15). The Church began an education program for priesthood leaders in 1833 called the School of the Prophets (a biblical title that had already been used by the Harvard and Yale divinity schools). The school was given the broad charter to study “things both in heaven and in the earth, and under the earth; things which have been, things which are, things which must shortly come to pass; things which are at home, things which are abroad; the wars and the perplexities of the nations, and the judgments which are on the land; and . . . of countries and of kingdoms” (D&C 88:79). Mormons came from a culture that emphasized education, shared that view, and received additional motivation through what they accepted as divine directives.¹⁷

Generally speaking, the passengers on the ship *Brooklyn* were literate and displayed a commitment to education, as shown by their letters and by their subsequent history: Caroline Joyce kept a diary.¹⁸ At least two of the passengers, Hannah Buckland¹⁹ and Mary Poole,²⁰ were fond of writing poetry. Sam Brannan²¹ and his assistant, Edward Kemble²² (a non-Mormon), had published a newspaper in New York, and Brannan and Kemble continued that effort in San Francisco. Angeline Lovett became the first teacher in an English-speaking school in San Francisco.²³ Olive Coombs emigrated to Utah soon after landing in California and became a schoolteacher in southern Utah. She was well educated and knew some foreign languages.²⁴ Susan Savage also became a schoolteacher after emigrating to the Salt Lake Valley.²⁵ Clarissa Moses aspired to be a teacher but became a dress-maker instead when she learned that women teachers were paid only half what the men earned. She was an avid reader, however, and developed a fondness for reading college textbooks.²⁶ Daniel Stark bought surveying instruments and manuals in New York, taught himself surveying while on the voyage, and subsequently became a surveyor in southern Utah.²⁷ Quartus Sparks had been a teacher on Long Island and became a teacher and principal in San Bernardino.²⁸ John Horner had been a schoolteacher in New Jersey and, upon reaching California, built the first English-speaking school in Alameda County. He subsequently moved to Hawaii, became a prolific correspondent in the Hawaiian newspapers, was elected to the Queen’s House of Nobles, and authored a book proposing a system of national finance for Hawaii.²⁹

The passengers’ interest in education was evident also from the abundance of books other than the HFL in the hold of the *Brooklyn*. These were mostly school books for the children: “spelling books, sequels [for

example, McGuffey Readers], history, arithmetic, astronomy, grammar, Morse's Atlas and Geography, and a Hebrew Grammar and Lexicon," as well as music books and dictionaries.³⁰ All of these were purchased by Sam Brannan and were the property of Sam Brannan & Co.³¹

Thus the books of the HFL, those explicitly on education as well as the whole library with its breadth as a general education, were of great interest to the *Brooklyn* passengers. And the interesting content of the HFL surely helps explain the glowing report from Juan Fernandez Island.

For ourselves, the list of books expands our window into the cultural environment of the Restoration and gives us insight into the experiences of that significant voyage, that historic segment of the exodus west.

Harper's Family Library

(Arranged by general topic and then by volume number. Volume number appears in brackets.)

World History

Nineteenth-century Americans had a special interest in their own culture and history. However, they never lost their interest in their total western heritage nor their fascination with faraway, exotic cultures. Concerning the sweeping grandeur of events, the wise lessons of history, and the enlightenment of special interpretations, the HFL included many substantial volumes.

- [1–3] *The History of the Jews* (3 vols.) by H. H. [Henry Holt] Milman
- [12–13] *The History of the Bible* (2 vols.) by G. R. [George Robert] Gleig [History of the biblical world from the Christian point of view]
- [20] *History of Chivalry and the Crusades* by G. P. R. [George Payne Rainsford] James
- [23] *View of Ancient and Modern Egypt with an Outline of its Natural History* by Michael Russell
- [24] *The History of Poland from the Earliest Period to the Present Time with a Narrative of the Recent Events Obtained from a Polish Patriot Nobleman* by James Fletcher
- [25] *Festivals, Games, and Amusements, Ancient and Modern* by Horatio Smith
- [31] *A Description of Pitcairn's Island and Its Inhabitants, with an Authentic Account of the Mutiny of the Ship Bounty and the Subsequent Fortunes of the Mutineers* by John Barrow
- [32, 72, 84] *The Sacred History of the World Attempted to Be Philosophically Considered in a Series of Letters to a Son* (3 vols.) by Sharon Turner [Rational exposition of history from the Creation to the Deluge, written as the divine unfolding of events]
- [47–49] *Historical and Descriptive Account of British India, from the Most Remote Period to the Present Time* (3 vols.) by Hugh Murray and others
- [43–44] *Sketches from Venetian History* (2 vols.) by Edward Smedley
- [51–52] *History of Ireland from the Anglo Norman Invasion till the Union of the Country with Great Britain* (2 vols.) by W. C. [William Cooke] Taylor

- [53] *Historical View of the Progress of Discovery on the More Northern Coasts of America from the Earliest Period to the Present Time with Descriptive Sketches of the Natural History of North American (Arctic) Regions (The Latter by James Wilson)* by Patrick Fraser Tytler
- [61] *Nubia and Abyssinia: Comprehending Their Civil History, Antiquities, Arts, Religion, Literature, and Natural History* by Michael Russell
- [68–69] *History of Arabia, Ancient and Modern* (2 vols.) by Andrew Crichton
- [70] *Historical and Descriptive Account of Persia* by James Baillie Fraser
- [73] *History and Present Condition of the Barbary States: Comprehending a View of Their Civil Institutions, Antiquities, Arts, Religion, Literature, Commerce, Agriculture, and Natural Productions* by Michael Russell
- [79] *A Compendious History of Italy* by Luigi Sforzosi; translated from Italian by Nathaniel Greene
- [86–91] *Universal History from the Creation of the World to the Decease of George III, 1820* (6 vols.) by Alexander Fraser Tytler and Edward Nares
- [101–2] *An Historical and Descriptive Account of British America* (2 vols.) by Hugh Murray [History of lands including Canada, Newfoundland, Barbados, and Jamaica]
- [114–18] *History of England from the Earliest Period to 1839* (5 vols.) by Thomas Kneightley
- [131] *An Historical and Descriptive Account of Iceland, Greenland, and the Faeroe Islands* by James Nicol
- [134–35] *Ruins of Ancient Cities, with General and Particular Accounts of Their Rise, Fall, and Present Condition* by Charles Bucke
- [136–37] *Scandinavia, Ancient and Modern* (2 vols.) by Andrew Crichton and Henry Wheaton
- [141–42] *History of the Expedition to Russia Undertaken by the Emperor Napoleon in the Year 1812* (2 vols.) by General Count Philip de Segur
- [151–53] *Italy and the Italian Islands, from the Earliest Ages to the Present Times* (3 vols.) by William Spalding
- [157] *Mesopotamia and Assyria, from the Earliest Ages to the Present Time* by James Baillie Fraser
- [158] *Polynesia, or an Historical Account of the Principle Islands in the South Sea including New Zealand: The Introduction of Christianity and the Actual Condition of the Inhabitants in Regard to Civilization, Commerce, and the Acts of Social Life* by Michael Russell
- [170] *Elements of Modern History* by J. L. Michelet
- [177] *History of the Moors in Spain* by M. Florian
- [186] *History of the Reign of the Emperor Charles V: With a View of the Progress of Society in Europe from the Subversion of the Roman Empire to the Beginnings of the Sixteenth Century* by William Robertson
- [187] *The History of the Progress and Termination of the Roman Republic* by Adam Ferguson

American History

The early colonists of America were still attached emotionally and intellectually to the Old World. But after forming a new nation, they felt an urgent need to establish their own national identity and national purpose. They did this in part through state and local histories. By restating their past and describing their

peculiarities as Americans, they attempted to define their national character and project their destiny.

- [119–20] *History of the United States from Their First Settlement or Colonies to the Close of the Administration of Mr. Madison in 1817* (2 vols.) by Salma Hale
- [133] *History of Connecticut from the First Settlement to the Present Time* by Theodore Dwight Jr.
- [139] *History of Michigan from Its Earliest Colonization to the Present Time* by James H. Lanman
- [167–68] *Border Wars of the American Revolution* (2 vols.) by William L. Stone
- [176] *History of Louisiana from the First Discovery and Settlement to the Present Times* by E. Bunner
- [185] *History of the Discovery and Settlement of America (Abridged Edition)* by William Robertson

Biography and Memoirs of World Personalities

Biographies were very popular in the new nation. Many of the early biographies in the HFL were of world figures and were written and first published in England.

- [4–5] *The History of Napoleon Bonaparte* (2 vols.) by John G. Lockhart
- [6] *The Life of Nelson* by Robert Southey
- [7] *The Life and Actions of Alexander the Great* by John Williams
- [9] *Life of Lord Byron* by John Galt
- [10] *The Life of Mohammed, Founder of the Religion of Islam and the Empire of the Saracens* by George Bush
- [15] *Life and Times of His Late Majesty George the Fourth: With Anecdotes of Distinguished Persons of the Last Fifty Years* by George Croly
- [17–19, 66–67] *Lives of the Most Eminent British Painters and Sculptors* (5 vols.) by Allan Cunningham
- [21–22] *Life of Mary Queen of Scots* (2 vols.) by Henry Glassford Bell
- [26] *Life of Sir Isaac Newton* by David Brewster
- [28] *Memoirs of the Empress Josephine* by John S. Memes
- [29] *The Court and Camp of Bonaparte: Comprising Memoirs of the Bonaparte Family, of Napoleon's Brothers, Sisters, Ministers, Generals and Portrait of Talleyrand*
- [33–34] *Memoirs of Celebrated Female Sovereigns* (2 vols.) by Anna Jameson
- [38–40] *Lives of Celebrated Travellers* (3 vols.) by James Augustus St. John
- [41–42] *Life of Frederick the Second, King of Prussia* (2 vols.) by George Agar-Ellis
- [60] *History of Charlemagne* by G. P. R. James
- [62–63] *Life of Oliver Cromwell* (2 vols.) by Michael Russell
- [65] *The Life of Peter the Great* by John Barrow
- [109–10] *Samuel Johnson: Life and Writings* (2 vols.)
- [121–22] *Life of Oliver Goldsmith and Selections from His Writings* by Washington Irving
- [123–24] *Distinguished Men of Modern Times* (2 vols.) by Henry Malden
- [128] *The Life and Adventures of Bruce the African Traveler* by Francis B. Head
- [130] *The Martyrs of Science, or The Lives of Galileo, Tycho Brahe, and Kepler* by David Brewster
- [140] *Lives of the Ancient Philosophers* by Francois de Salignae de la Mothe Fenelon

Biography and Memoirs of American Personalities

Biographies were also useful in defining the national character and promoting patriotism. In the early years of the United States, Harper's and other publishers sold hundreds of thousands of biographies of national heroes. The HFL included some key American biographies.

- [45–46] *Indian Biography, or An Historical Account of Those Individuals Who Have Been Distinguished among the North American Indians as Orators, Warriors, Statesmen, and Other Remarkable Characters* (2 vols.) by B. B. [Benjamin Bussey] Thatcher [Biographies of seventy-four prominent Indians, challenging myths of barbarism and sentimentality]
- [75–76] *A Life of Washington* by James Paulding
- [92] *Autobiography (with a Sketch of His Public Services by Rev. H. Hastings Weld)* by Benjamin Franklin
- [93] *Memoirs* by Benjamin Franklin [A selection of letters, essays, and philosophical (scientific) papers]
- [125] *Life of DeWitt Clinton* by James Renwick
- [126–27] *Life of Commodore Oliver Hazard Perry* (2 vols.) by Alexander Stidell MacKenzie
- [129] *Lives of John Jay and Alexander Hamilton* by James Renwick
- [161–63] *American Biography* (3 vols.) by Jeremy Belknap [Short biographies of the many men involved in the early discoveries and the founding of the beginning colonies]

Adventure and Exploration

Like the biographies, the stories of adventure and discovery were entertaining and informative and also helped define the national character. Again, although the HFL had many European entries, these were matched by corresponding stories of American adventure and exploration.

- [14] *Narrative of Discovery and Adventure in the Polar Seas and Regions with Illustrations of Their Culture, Geology and Natural History and an Account of the Whale Fishery* by John Leslie, Robert Jameson, and Hugh Murray
- [16] *Narratives of Discovery and Adventure in Africa from the Earliest Ages to the Present Time* by Robert Jameson, James Wilson, and Hugh Murray
- [30] *Drake, Cavendish, and Dampier: Lives and Voyages of, including an Introductory View of the Earlier Discoveries in the South Seas and the History of the Buccaneers* by Christian Isabel Johnstone
- [35–36] *Journal of an Expedition to Explore the Course and Termination of the Niger with a Narrative of a Voyage down That River to Its Termination* (2 vols.) by Richard Lander and John Lander
- [54] *The Travels and Researches of Alexander von Humboldt: Being a Condensed Narrative of His Journeys in the Equinoctial Regions of America and in Asiatic Russia* by Alexander von Humboldt with an analysis by W. Macgillivray
- [82] *An Historical Account of the Circumnavigation of the Globe: And the Progress of Discovery on the Pacific Ocean from the Voyage of Magellan to the Death of Cook*
- [105] *The Life and Travels of Mungo Park: With the Account of His Death from the Journal of Isaacs and the Substance of Later Discoveries Relative to His Tormented Fate, and the Termination of the Niger by Mungo Park*

- [106] *Two Years before the Mast: A Personal Narrative of Life at Sea* by Richard H. Dana Jr.
- [107–8] *Three Voyages for a Northwest Passage from the Atlantic to the Pacific, and a Narrative of an Attempt to Reach the North Pole* by William Edward Parry
- [148] *Narrative of an Expedition to the Polar Seas in the Years 1820, 1821, 1822, and 1823 Commanded by Lieutenant (Now Admiral) Ferdinand Wrangel of the Russian Imperial Navy* by Ferdinand Petrovich Wrangel
- [154–55] *History of the Expedition under the Command of Captains Lewis and Clarke to the Sources of the Missouri Thence across the Rocky Mountains and down the River Columbia to the Pacific Ocean Performed during the Years 1804, 1805, 1806, by Order of the Government of the United States* by Meriwether Lewis (Archibald McVicar, ed.)
- [159] *Perilous Adventures, or Remarkable Instances of Courage, Perseverance, and Suffering* by Richard Alfred Davenport [Multibiography of British and European adventurers]
- [172] *Voyages around the World from the Death of Captain Cook to the Present Time, Including Remarks on the Social Conditions of the Inhabitants of Recently Discovered Countries, Their Progress in the Arts and More Especially Their Advancement in Religious Knowledge* [possibly by Andrew Kippis]
- [173] *Travels of Marco Polo, Greatly Amended and Enlarged from Valuable Early Manuscripts* by Marco Polo (Hugh Murray, ed.)
- [174–75] *American Adventure by Land and Sea, Being Remarkable Instances of Enterprise and Fortitude among Americans, Indian Captives, and Shipwrecks: Adventure at Home and Abroad* (2 vols.) by Epes Sargent

Geography and Societies

Americans were curious about cultures of the world, but with trade opening up to the Pacific, they were especially interested in the Far East.

- [27] *Palestine, or The Holy Land* by Michael Russell
- [80–81] *The Chinese: A General Description of the Empire of China and Its Inhabitants* by John Francis Davis
- [132] *The Manners and Customs of the Japanese in the Nineteenth Century: From the Accounts of Recent Dutch Residents in Japan and from the German Work of Dr. P. F. von Seibold*

Philosophy, Natural Theology, and Principles of Personal Living

The HFL was designed to promote faith and moral living without introducing contentious theological and denominational issues. This goal was accomplished through the many volumes that supported faith and religion in general, volumes presenting the historical and geographical foundations of the Judeo-Christian faith. It was accomplished by works on natural theology, that is, works promoting faith through natural design arguments. And it was promoted by philosophical works that were written using the approach of Scottish commonsense realism, designed to counteract rising skepticism and materialism.

- [37] *Inquiries concerning the Intellectual Powers and the Investigation of Truth* by John Abercrombie [A popularized analysis of our ultimate process of knowing as analyzed in the school of Scottish commonsense realism]

- [58] *The Philosophy of Moral Feelings* by John Abercrombie [Popular text on distinguishing good and evil, based on Scottish realism; used in many colleges, seminaries, and literary organizations]
- [77] *The Philosophy of Living, or The Way to Enjoy Life and Its Comforts* by Caleb Ticknor [Suggestions on healthy living, some of which parallel closely those of the Word of Wisdom]
- [83] *Celestial Scenery, or The Wonders of the Planetary System Displayed: Illustrating the Perfection of Deity and the Plurality of Worlds* by Thomas Dick [Dick's belief in life on other worlds, paralleling Joseph Smith's corresponding belief]
- [96–97] [Paley's] *Natural Theology with Illustrative Notes* by Henry Lord Brougham and Sir C. Bell: *To Which Are Added Preliminary Observations and Notes* by Alonzo Potter (2 vols.) by William [Samuel] Paley [A classic on the existence and attributes of deity argued primarily from design in the biological world]
- [99] *The Sidereal Heavens and Other Subjects Connected with Astronomy as Illustrative of the Character of the Deity and of an Infinity of Worlds* by Thomas Dick
- [166] *Woman in America, Being an Examination into the Moral and Intellectual Condition of American Female Society* by Mrs. A. J. Graves [Exposition of the then-current view that women excelled in moral purity and loving hearts and thus should leave the rough, challenging public world to men and find their achievements in home, marriage, and motherhood]
- [143–44] *An Epitome of the History of Philosophy: Being the Work Adopted by the University of France for Instructions on the Colleges and High Schools* (2 vols.) by Louis Bautain [Translation and additions by C. S. [Caleb Sprague] Henry]

Science and Natural History

The character of science and the role of science in society at this time was changing rapidly and stimulating high public interest. There were vast areas of unknown territory to be explored, studied, and cataloged. Therefore, through this period, much of American science was necessarily practical and descriptive rather than analytical. The HFL sampled the breadth of science of this period. It showed that Americans were dependent on the English for a time but became increasingly scientifically independent.

- [8, 74] *The Natural History of Insects* (2 vols.) by James Rennie
- [55–56] *Letters on Different Subjects of Natural Philosophy: Addressed to a German Princess* (2 vols.) by Leonhard Euler
- [57] *A Popular Guide to the Observation of Nature, or Hints of Inducement to the Study of Natural Production and Appearances in Their Connections and Relations* by Robert Mudie
- [71] *The Principles of Physiology, Applied to the Preservation of Health and the Improvement of Physical and Mental Education* by Andrew Combe
- [78] *The Earth: Its Present Condition and Most Remarkable Phenomena* by W. Mullinger Higgins
- [85] *Animal Mechanism and Physiology, Being a Plain and Familiar Exposition of the Structure and Function of the Human System, Designed for Use of Families and Schools* by John H. Grescom, MD
- [98] *Natural History of Birds: Their Architecture, Habits, and Faculties* by James Rennie
- [100] *Outlines of Imperfect and Disordered Mental Action* by Thomas Cogswell Upham [The first systematic text published in America on abnormal psychology]

- [104] *Natural History of Quadrupeds* by James Rennie
- [145] *On the Beauties, Harmonies, and Sublimities of Nature* by Charles Bucke
- [147] *The Natural History of Selborne* by Gilbert White [Natural history of the parish of Selborne in southern England—a classic that has never been out of print]
- [149–50] *Popular Technology, or Professions and Trades* by Edward Hazen
- [164] *Natural History: The Elephant as He Exists in the Wild State and as He Has Been Made Subservient, in Peace and War, to the Purposes of Man* by James Rennie
- [169] *Vegetable Substances Used for the Food of Man* by Edwin Lankester
- [178] *The Elements of Geology for Popular Use: Containing a Description of the Geological Formation and Mineral Resources of the United States* by Charles Lee
- [179] *Discourses on the Objects and Uses of Science and Literature* by Lord Henry Brougham and Others [Includes “A Discourse on the Objects, Advantages, and Pleasures of Science,” by Brougham; “A Discourse on Classical Metaphysical, Moral, and Natural Studies,” by Adam Sedgwick; “On the Importance of Scientific Knowledge to the Manufacture and Practical Mechanic,” by Gulian C. Verplank; and “On the Influence of Moral Causes upon Opinion, Science, and Literature,” by Gulian C. Verplank]
- [180] *Illustrations of Mechanics* by H. Moseley

Literature, Poetry, and the Arts

In poetry and art, because of the struggles of the new nation, Americans were slow in turning their energies and creativities to significant output and a unique style. They enjoyed English poetry as represented in the collection by Halleck. For their own poetry they would imitate English styles and learn from such English poets as James Montgomery. A beginning of American poetry was assembled for the HFL by William Cullen Bryant, the first American poet to receive international acclaim.

- [64] *Lectures on General Literature, Poetry, etc.: Delivered at the Royal Institution in 1830 and 1831* by James Montgomery
- [103] *Outline History of the Fine Arts Embodying a View of the Rise, Progress, and Influence of the Arts Among the Different Nations Ancient and Modern with Notices of the Character and Works of Many Celebrated Artists* by Benson Lossing [Discusses sculpture and architecture]
- [111] *Selection from American Poets* by William Cullen Bryant
- [112–13] *Selections from British Poets* (2 vols.) by Fitz-Greene Halleck
- [171] *Essays: Moral, Economical, and Political* by Lord Francis Bacon and John Locke [Bacon's *Essays* and Locke's *Of Conduct of the Understanding*]
- [181–82] *Selections from The Spectator: Embracing the Most Interesting Papers by Addison, Steele, and Others* (2 vols.) [Miscellaneous eighteenth-century social commentary by Joseph Addison, Richard Steele, and others from the British series that gave birth to journalism]

Politics, Law, and Economics

The HFL included works presenting a rationale for the basic political and economic principles of the Republic in order to promote national identity and informed patriotism.

- [138] *Democracy* by George Sidney Camp
- [146] *Essays on Property and Labour, as Connected with Natural Law and the Constitution of Society* by Francis Lieber [The importance of the idea that land is held independent of governments]
- [160] *A Course of Lectures on the Constitutional Jurisprudence of the United States* by W. A. [William Alexander] Duer

- [183] *Political Economy: Its Objects, Uses, and Principles: Considered with Reference to the Conditions of the American People* by Alonzo Potter [Extolled the American system of broadly held property, capitalism, free enterprise, and free trade]

Education

The HFL added works on education to promote self education focused toward moral, cultural, occupational, and patriotic purposes.

- [59] *On the Improvement of Society by the Diffusion of Knowledge, or An Illustration of the Advantages Which Would Result from a More General Dissemination of Rational and Scientific Information among All Ranks* by Thomas Dick
- [94] *The Pursuit of Knowledge under Difficulties: Its Pleasures and Rewards* by George L. Craik
- [95] *The Pursuit of Knowledge under Difficulties: Illustrated by Anecdotes* by George L. Craik
- [156] *Education: Part I—History of Education, Ancient and Modern; Part II—A Plan of Culture and Instruction Based on Christian Principles and Designed to Aid in the Right Education of Youth, Physically, Intellectually, and Morally* by Henry Immanuel Smith
- [165] *Handbook for Readers and Students to Assist Private Individuals, Associations, School Districts in the Selection of Useful and Interesting Works for Reading and Investigation* by Alonzo Potter
- [184] *The Principles of Eloquence* by Jean Siffrein (Abbé) Maury [The basic principles of eloquent delivery, the variety of styles, and examples from great speeches]

The Supernatural and Magic

Two volumes of the HFL were added to help overcome the superstitious imaginings of credulous people, that is, to discourage their seeing of the demonic or supernatural without recognizing the natural. For author David Brewster, the natural world was already one grand miracle. And rather than being deceived through it by charlatans, the public was encouraged to understand and thereby feel enthusiasm and love for such a grand and sublime universe.

- [11] *Letters on Demonology and Witchcraft Addressed to J. C. Lockhart Esq.* by Sir Walter Scott
- [50] *Letters on Natural Magic: Addressed to Sir Walter Scott, Bart.* by Sir David Brewster

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1. For a complete account of the voyage and the passenger list, see Lorin K. Hansen, "Voyage of the *Brooklyn*," *Dialogue: A Journal of Mormon Thought* 21 (Autumn 1988): 46–72.

2. Hansen, "Voyage of the *Brooklyn*," 51.

3. Letter from an unnamed *Brooklyn* voyager written from Juan Fernandez, May 8, 1846, printed in "Progress of the Mormon Emigrants from This City," *New York Journal of Commerce*, Aug. 26, 1846; also printed in *New York Daily Tribune*, Aug. 27, 1846.

4. Eugene Exman, *The Brothers Harper* (New York: Harper and Row, 1965), 67.

5. Exman, *Brothers Harper*, 137.

6. John Abercrombie, *The Philosophy of the Moral Feelings* (New York: J. and J. Harper, 1833), Advertisement section at the end of the book, 1 [HFL 58, 1833].

7. Robert S. Freeman, "Harper & Brothers' Family and School District Libraries, 1830–1846," in *Libraries to the People: Histories of Outreach*, ed. Robert S. Freeman and David M. Hovde (Jefferson, N.C.: McFarland, 2003) 26–49. See also Exman, *Brothers Harper*.

8. It is unusual for a library today to have more than a few of these titles, and some of the titles are quite rare. Another set of the HFL reached California after the *Brooklyn*, with many volumes printed as late as 1846 and 1847. That later and nearly complete set, consisting of 184 volumes, was eventually donated to Stanford University and is located in the Cecil H. Green Library, Special Collections. I express appreciation to the Green Library for their generous help in allowing me to study their set of the Harper's Family Library.

9. Russel B. Nye, *The Cultural Life of the New Nation, 1776–1830* (New York: Harper and Brothers, 1960), 250. Lee Soltow and Edward Stevens, *The Rise of Literacy and the Common School in the United States: A Socioeconomic Analysis to 1870* (Chicago: University of Chicago Press, 1981), 155. This estimate would include only the adult white population.

10. Exman, *Brothers Harper*, 120.

11. Nye, *Cultural Life of the New Nation*, 250.

12. William J. Gilmore, *Reading Becomes a Necessity of Life: Material and Cultural Life in Rural New England, 1780–1835* (Knoxville: University of Tennessee Press, 1989).

13. For a thorough discussion of Thomas Dick and his involvement with the Society for the Diffusion of Useful Knowledge, see William J. Astor, *Observing God: Thomas Dick, Evangelicalism, and Popular Science in Victorian Britain and America* (Aldershot, England: Ashgate, 2001).

14. Thomas Dick, *On the Improvement of Society by the Diffusion of Knowledge, or an Illustration of the Advantage Which Would Result from a More General Dissemination of Rational and Scientific Information among All Ranks* (New York: Harper and Brothers, 1836), 55.

15. George L. Craik, *Pursuit of Knowledge under Difficulties: Its Pleasures and Rewards* (New York: Harper and Brothers, 1840), i [HFL 94, 1840].

16. Joseph F. Kett, *The Pursuit of Knowledge under Difficulties: From Self-Improvement to Adult Education in America, 1750–1990* (Stanford: Stanford University Press, 1994), 86.

17. Brigham Young sent instructions to pioneers headed west to bring "the most valuable works, on every science and subject, for the benefit of the rising

generation." *Millennial Star* 10 (1848): 85, cited in David P. Gardner, "Education," in *Encyclopedia of Mormonism*, ed. Daniel H. Ludlow, 4 vols. (New York: Macmillan, 1992), 2:443. Just four years after reaching the barren Salt Lake Valley, the Utah pioneers also shipped in an extensive library purchased in New York City. Levi Edgar Young, September 30, 1949, in *One Hundred Twentieth Semi-Annual Conference of The Church of Jesus Christ of Latter-day Saints* (Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1949), 17.

18. "As Told by Augusta Joyce Crockeron," in *Our Pioneer Heritage*, comp. Kate B. Carter, 20 vols. (Salt Lake City: Daughters of Utah Pioneers, 1958–77), 3:504.

19. Hannah D. Buckland, Notebook, 1872–1875, Church Archives, The Church of Jesus Christ of Latter-day Saints, Salt Lake City. This notebook contains about 300 pages of her poetry and writings, some from as early as 1832.

20. "The Poole Family," in Carter, *Our Pioneer Heritage*, 3:566–67.

21. Sam Brannan, *Scoundrel's Tale: The Samuel Brannan Papers*, ed. Will Bagley, (Spokane: Arthur H. Clark, 1999), 49–51.

22. "Edward C. Kemble—Printer," in Carter, *Our Pioneer Heritage*, 3:557. See also Edward Cleveland Kemble, *A Kemble Reader: Stories of California, 1846–1848*, ed. Fred Blackburn Rogers, California Historical Society Special Publication no. 37 (San Francisco: California Historical Society, 1963).

23. Annaleone D. Patton, *California Mormons by Sail and Trail* (Salt Lake City: Deseret Book, 1961), 16.

24. "The Coombs Story," in Carter, *Our Pioneer Heritage*, 3:522.

25. Kate C. Snow, "Susan Eliza Savage Angell," in Carter, *Heart Throbs of the West*, comp. Kate B. Carter, 12 vols. (Salt Lake City: Daughters of Utah Pioneers, 1939–51), 2:138. Some descendants claim Susan also taught in San Francisco before coming to Utah. Carter, *Heart Throbs of the West*, 12:52.

26. "Ambrose Todd Moses and Family," in Carter, *Our Pioneer Heritage*, 3:564–65.

27. "From the Diary of Daniel Stark," in Carter, *Our Pioneer Heritage*, 3:497, 501.

28. Record in the author's possession. See also "Quartus Sparks Family," in Carter, *Our Pioneer Heritage*, 3:583, and "Schools," in Carter, *Our Pioneer Heritage*, 4:402.

29. "From the Autobiography of John M. Horner," in Carter, *Our Pioneer Heritage*, 3:548–55; "The Horners—First Settlers in Alameda County," in Carter, *Our Pioneer Heritage*, 3:509–12; Obituary, "Death of J. M. Horner, Career of the Veteran Citizen of the Big Island," *Honolulu Star Bulletin*, May 16, 1907; John M. Horner, *National Finance and Public Money* (Honolulu: Hawaiian Gazette, 1898).

30. "To Our Brethren and Friends Scattered Abroad," *Times and Seasons* 6 (Feb. 15, 1846): 1127.

31. When Brannan gave up hope of the Church coming to California, and the New Hope farming colony (a Mormon settlement in the California Central Valley) was disbanded, Brannan disposed of the assets of Sam Brannan & Co. All the books were offered for sale September 27, 1847, in the *California Star* by W. G. Love, Daniel Stark, and John R. Robbins. The latter two had been passengers on the *Brooklyn*. Incidentally, this sale was perhaps the beginning of the book trade in California. See Hugh Sanford Cheney Baker, "A History of the Book Trade in California: 1849–1859, Part 1," *California Historical Society Quarterly* 30, no. 4 (1951): 97–99.

An Examination of the 1829 “Articles of the Church of Christ” in Relation to Section 20 of the Doctrine and Covenants

Scott H. Faulring

The 1829 “Articles of the Church of Christ” is a little-known antecedent to section 20 of the Doctrine and Covenants. This article explores Joseph Smith’s and Oliver Cowdery’s involvement in bringing forth these two documents that were important in laying the foundation for The Church of Jesus Christ of Latter-day Saints.

Section 20 was originally labeled the “Articles and Covenants.” It was the first revelation canonized by the restored Church and the most lengthy revelation given before the first priesthood conference was held in June 1830. Scriptural commentators in recent years have described the inspired set of instructions in section 20 as “a constitution for the restored church.”¹ In many respects, the Articles and Covenants was the Church’s earliest *General Handbook of Instructions*. Although Latter-day Saints typically associate the Articles and Covenants with the organization of the Church on April 6, 1830, this regulatory document had roots in earlier events: in the earliest latter-day revelations, in statements on Church ordinances and organization from the Book of Mormon, and in the preliminary set of Articles written by Oliver Cowdery in the last half of 1829.

This article will review those early revelations to show how the organization of the Church was prophetically foreshadowed and instituted. It will then identify certain prescriptions in the Book of Mormon that influenced the steps taken and pronouncements issued as the Church was organized on April 6, 1830. In particular, the contents of the 1829 Articles of the Church of Christ (figs. 1, 2, 3) and the 1830 Articles and Covenants of the Church of Christ will be summarized and contrasted. From this, the process through which Doctrine and Covenants 20 came into being will be explored in order to explain more fully how it came to be accepted as scripture.

I Commandment from God unto Oliver how he should build up
his Church & the manner thereof --
Saying Oliver listen to the voice of Christ your Lord & your God & your
Redeemer & write the words, which I shall command you concerning my Church
my Gospel my Rock & my Salvation. Behold the world is ripening in in-
iquity & it must needs be that the children of men are stirred up unto repentance
both the Gentiles & also the House of Israel for behold I command all men every
where to repent & I speak unto you even as unto Paul mine apostle for ye are
called even with that same calling with which he was called for therefore who-
ever repenteth & humbleth himself before me & desireth to be baptized in my
name shall ye baptize them And after this manner did he command me that
I should baptize them Behold ye shall go down & stand in the water & in my
name shall ye baptize them And now behold these are the words which ye
shall say Calling them by name saying Having authority given me of Jesus Christ
I baptize you in the name of the Father of the Son & of the Holy Ghost & thou
shalt then shall ye immerse them in the water & come forth again out of the water
& after this manner shall ye baptize in my name For behold verily I say unto you
that the Father & the Son & the Holy Ghost are one & I am in the Father & the Father
in me & the Father & I are one
And ye are also called to ordain Priests & Teachers according to the gifts & callings of God
unto men & after this manner shall ye ordain them Ye shall pray unto the Father
in my name & then shall ye lay your hands upon them & say In the name of Jesus
Christ I ordain you to be a Priest or ye be a Teacher I ordain you to be a Teacher
to preach repentance & remission of sins through Jesus Christ by the endurance of faith on his
name to the end Amen And this shall be the duty of the Priest He shall kneel down
& the members of the Church shall kneel also & which Church shall be called
the Church of Christ & he shall pray to the Father in my name for the Church & for
so be that it be built upon my Rock I will bless it And after that ye have prayed
to the Father in my name ye shall preach the truth in soberness casting out none from
among you but rather invite them to come And the Church shall oft partake
of bread & wine & after this manner shall ye partake of it The Elders Priest
shall minister it & after this manner shall he do he shall kneel with the Church
& pray to the Father in the name of Christ & then shall ye say God the Eternal
Father

FIG. 1. 1829 "Articles of the Church of Christ," page 1. In anticipation of the organization of the Church, Oliver Cowdery prepared the Articles, describing how the Church should be governed. The entire two and a half page document is written in Oliver Cowdery's distinct handwriting. Priesthood authority and baptism by immersion are first discussed.

we ask thee in the name of thy Son Jesus Christ to bless & sanctify this bread to
the souls of all those who ^{eat} partake of it that they may ^{eat} in remembrance of the body of
thy Son & witness unto thee O God the Eternal Father that they are willing to take
upon them the name of thy Son & always remember him & keep his commandments which
he hath given them that they may always have his spirit to be with them Amen
And then shall ye take the cups & say O God the Eternal Father we ask thee in the
name of thy Son Jesus Christ to bless & sanctify this wine to the souls of all those
who drink of it that they may do in remembrance of the blood of thy Son which was
shed for them that they may witness unto thee O God the Eternal Father that
they always remember him that they may have his spirit to be with them Amen
And now behold I give unto you a commandment that ye shall not suffer any one, un-
willingly to partake of my flesh & blood unworthily when ye shall minister for whose
sins he shall eat & drinketh my flesh & blood unworthily eateth & drinketh damnation to his soul
Therefore if ye know that a man is unworthy to eat & drink of my flesh & blood ye shall
forbid him nevertheless ye shall not cast him out from among you but ye shall mini-
ster unto him & shall pray for him unto the Father in my name & if it so be that he
repenteth & is baptized in my name then shall ye receive him & shall minister unto
him of my flesh & blood but if he repenteth not he shall not be numbered among
my people that he may not destroy my people for he who I know my sheep they
are numbered never the less ye shall not cast him out of your Synagogues or your places
of worship for unto such shall ye continue to minister for ye know not but what
they will return & repent & come unto me with full purpose of heart & I shall
^{lead} them & ye shall be the means of bringing Salvation unto them Therefore keep
these sayings which I have commanded you that ye come not under condemnation
for us unto him whom the Father condemneth
And the Church shall meet together oft for prayer & supplication casting out none from
your places of worship but rather invite them to come And each member shall
speak & tell the Church of their progress in the way to Eternal life
And there shall be no pride no envying no strifes no malice no idleness no
witchcrafts no whoredoms no fornications no contentiousness no lying no de-
ceits no no manner of iniquity & if any one is guilty of any on the least of these
& doth not repent & show fruits meet for repentance they shall not be number-
ed among my people that they may not destroy my people

FIG. 2. 1829 "Articles of the Church of Christ," page 2. In building up the Church, Oliver Cowdery was commanded to rely "upon the things which are written" (D&C 18:3). On this page, the words of the sacrament prayers parallel Moroni chapters 4 and 5.

And now I speak unto the Church Repent all ye ends of the Earth & come
unto me & be baptized in my name which is Jesus Christ & endure to the end &
ye shall be saved Behold Jesus Christ is the name which is given of the Father &
there is none other name given whereby man can be saved Wherefore all men must
take upon them the name which is given of the Father for in that name shall they
be called at the last ^{day} & therefore if they know not the name by which they are
called they cannot have place in the Kingdom of my Father Behold ye must walk
uprightly before me & sin not & if ye do walk uprightly before me & sin not my grace
is sufficient for you that ye shall be lifted up at the last day Behold I am
Jesus Christ the Son of the living God I am the same which came unto my own
& my own received me not I am the light which shineth in darkness & the darkness com-
prehendeth it not these words are not of men nor of man but of me Now remem-
ber the words of him who is the first & the last the light & the life of the world
And I Jesus Christ your Lord & your God & your Redeemer by the power of my
Spirit have spoken it Amen And now if I have not authority to write
these things judge ye behold ye shall know that I have authority when ye &
shall see me brought to stand before the judging assembly of Christ & God the Father
of God the Father & our Lord Jesus Christ be & abide with you all & per-
fectly save you Eternally in his Kingdom through the Infinite atonement which is
in Jesus Christ Amen Behold I am Oliver I am an Apostle
of Jesus Christ by the will of God the Father & the Lord Jesus Christ
Behold I have written the things which he hath commanded me for behold
his word was unto me as a burning fire shut up in my bones & I was weary with
pondering & I could forbear no longer Amen

Written in my own hand & signed January 1829 A true Copy
of the articles of the Church of Christ

FIG. 3. 1829 "Articles of the Church of Christ," page 3. This relatively short statement of doctrines and procedures depended heavily on excerpts from the Book of Mormon and early revelations given to the Prophet Joseph Smith.

Prophetic Anticipation of the Organization of the Church

Joseph Smith's first responsibility as the latter-day prophet was to translate the Book of Mormon plates, which were entrusted to him by the angel Moroni on September 22, 1827. Only later would restoring and organizing the Lord's Church become an obvious extension of his prophetic mission, for that aspect of the restoration had to wait until the Prophet had finished translating the Book of Mormon in 1829.² But as the work of translation unfolded, the way was simultaneously being prepared for the imminent restoration and organization of the Church.

The earliest revelation that specifically mentions the impending establishment of the Church was given in late summer 1828. It was received shortly after Martin Harris had carelessly lost the initial 116 pages (containing the book of Lehi) from the Book of Mormon translation. In the revelation that followed, the Lord told Joseph Smith that in reestablishing His Church, this modern generation should be openhearted and spiritually prepared. The Lord admonished: "And for this cause have I said, if this generation harden not their hearts, I will establish my church among them. Now I do not say this to destroy my church, but I say this to build up my church: therefore, whosoever belongeth to my church need not fear, for such shall inherit the kingdom of heaven."³

A few months later, in March 1829, the Lord spoke again on this subject, telling Joseph Smith and Martin Harris that the restored Church would be patterned after the New Testament-era organization. Expanding the earlier precondition, the Savior declared, "And thus, if the people of this generation harden not their hearts,⁴ I will work a reformation among them, . . . and I will establish my church, like unto the church which was taught by my disciples in the days of old."⁵ The Lord explained to his latter-day disciples that this reformation marked "the beginning of the rising up, and the coming forth of my church out of the wilderness—clear as the moon and fair as the sun, and terrible as an army with banners."⁶

After Martin Harris was dismissed as scribe over the loss of the 116-page manuscript of the book of Lehi, Joseph Smith prayed fervently for another assistant to help him complete the work. His prayers were answered when Oliver Cowdery, the district school teacher from Manchester, New York, came to Harmony, Pennsylvania, in early April 1829. As part of his teaching remuneration, Cowdery had boarded with Joseph's parents, who eventually confided in Oliver about Joseph Jr.'s possession of the Book of Mormon record. After receiving profound spiritual confirmation of Joseph's calling, Oliver traveled to Harmony with the intention to be Joseph Smith's scribe. With Cowdery's assistance, the Book of Mormon translation made substantial progress. Inside of an amazingly productive

three-month stretch, from early April to late June 1829, Joseph translated and Oliver, as the main scribe, wrote more than four hundred closely written foolscap pages—almost the entire unsealed portion of the Nephite plates. Also, during these months, Joseph Smith received at least a dozen revelations and accomplished several other important tasks.⁷

The Nature of Oliver's Authority

Soon after they met, Oliver asked Joseph to inquire of the Lord to know his (Oliver's) duty. In response the Lord told Oliver—not once, but twice—to “give heed unto my words.”⁸ Cowdery was also counseled, “Now as you have asked, behold, I say unto you, keep my commandments, and seek to bring forth and establish the cause of Zion.”⁹ The Lord reminded the young schoolmaster, “For thou hast inquired of me, and behold as often as thou hast inquired, thou hast received instruction of my Spirit.”¹⁰ Oliver was assured that he would “receive a knowledge of whatsoever things [he] shall ask in faith, with an honest heart.”¹¹

Fascinated by Joseph's ability to translate the ancient record, Oliver sought for the same blessing. Weeks earlier, the Lord had promised Oliver the gift “to translate even as my servant Joseph.”¹² Few details are known about the scribe's attempt to translate, but, after Cowdery “did not translate according to that which [he] desired” of the Lord, he went back to writing for the Prophet. The Lord told Oliver to continue as scribe until the translation was completed.¹³

By May 1829, the Prophet Joseph was hard at work translating the book of 3 Nephi. As the work progressed, Joseph and Oliver became inspired by the Savior's teachings to his disciples in ancient Bountiful. Years later, Cowdery reflected on how the translation spiritually motivated them. He wrote:

No men in their sober senses, could translate and write the directions given to the Nephites, from the mouth of the Savior, of the precise manner in which men should build up his church, . . . without desiring a privilege of showing the willingness of the heart by being buried in the liquid grave, to answer a “good conscience by the resurrection of Jesus Christ.”

As the pure, undiluted gospel of Christ in 3 Nephi unfolded before them, Joseph and Oliver wanted to know more about priesthood authority and baptism for the remission of sins mentioned particularly in 3 Nephi 11:18–27. Oliver explained that in reflecting on 3 Nephi they realized that “none had authority from God to administer the ordinances of the gospel.”¹⁴ The Prophet's history confirms that a desire for baptism for the remission of sins influenced their subsequent inquiry.¹⁵

On May 15, 1829, Joseph and Oliver adjourned to the nearby woods where they prayed for guidance. There along the tree-lined bank of the Susquehanna River, the heavens opened and the Lord's faithful servant John the Baptist came to Joseph Smith and Oliver Cowdery to lay his hands upon their heads and bestow upon them the Aaronic Priesthood.¹⁶ As Oliver later explained, John the Baptist delivered the keys of the gospel of repentance, which included authority to baptize. The Aaronic Priesthood did not include the power of the laying on of hands for the gift of the Holy Ghost (as is made clear in 3 Nephi 18:37), but Joseph and Oliver were promised that they would receive higher priesthood authority in due time. The heavenly minister directed Joseph to baptize Oliver, and Oliver to do the same for Joseph. After these baptisms were performed in the Susquehanna River, the Holy Ghost was manifested. Joseph Smith recounted:

No sooner had I baptized Oliver Cowdery than the Holy Ghost fell upon him and he stood up and prophecied many things which should shortly come to pass. And again so soon as I had been baptized by him, I also had the Spirit of prophecy when standing up I prophecied concerning the rise of this Church and many other things connected with the Church and this generation of the children of men.¹⁷

After their baptisms, Joseph and Oliver laid hands on each other's head and conferred the Aaronic Priesthood. Thus Joseph Smith and Oliver Cowdery, as companions, received a transcendent understanding of the preparatory events connected to the "rise of this Church" almost a year before the Church was organized on April 6, 1830.

Shortly after John the Baptist's appearance, the Savior's three presiding apostles during the meridian of time—Peter, James, and John—came to Joseph and Oliver and bestowed the Melchizedek Priesthood and the associated keys, including the apostleship.¹⁸ Although Joseph and Oliver were given the keys and powers necessary to reestablish Christ's Church upon the earth, they did not exercise these keys or bestow the Holy Ghost by the laying on of hands until the Church was organized in early April 1830. Shortly after receiving the essential gospel ordinances and priesthood authority, Joseph and Oliver moved, in early June 1829, to Peter Whitmer Sr.'s farmhouse in Fayette, New York. There they could work on the remainder of the Book of Mormon translation without concern for provisions or persecution.

As the translation proceeded, Joseph, Oliver, and Peter Whitmer's son, David, prayed to the Lord in mid-June 1829 for further "instructions relative to building up the church of Christ, according to the fullness of the gospel."¹⁹ The first part of the revelation that came in answer to their prayer implies that Oliver, in particular, wanted to know how to organize the Church. The Lord told Oliver to "rely upon the things which are

written, for in them are all things written concerning [the foundation of]²⁰ my church, my gospel, and my rock. Wherefore if you shall build up my church, upon the foundation of²¹ my gospel and my rock, the gates of hell shall not prevail against you” (D&C 18:3–5).

Later in the summer of 1829, the Prophet and his closest associates gathered at Peter Whitmer Sr.’s farmhouse and eagerly petitioned the Lord for permission to exercise the Melchizedek Priesthood keys by laying on hands for the gift of the Holy Ghost.²² Responding to their solemn and fervent request, the Lord gave a revelation describing the manner in which they should hold the organizational meeting of the Church. This revelation called for Joseph to ordain Oliver an elder in the Church and for Oliver to then ordain Joseph to the same office. Joseph would be called the First Elder, and Oliver the Second Elder. Together they would select and ordain other men to either the Aaronic or Melchizedek Priesthood as directed by the Spirit. The assemblage would then vote, by the rule of common consent, to sustain Joseph and Oliver as their presiding officers and spiritual teachers. The sacrament would be administered by priesthood authority, and then Joseph and Oliver would be permitted to lay on hands for the gift of the Holy Ghost.

Joseph explained that these actions were to be deferred until “such times, as it should be practicable to have our brethren, who had been and who should be baptized, assembled together.”²³ Months before the organization of the Church, a separate revelation given “by the Spirit of Prophecy” revealed “the precise day upon which, according to his [the Lord’s] will and commandment, we should proceed to organize his Church once again, here upon the earth.”²⁴ The date revealed was April 6, 1830, half a year in the future.

During the second half of 1829, Oliver Cowdery set about to use the as-yet-unpublished manuscript of the Book of Mormon, along with several early manuscript revelations, to compose the statement on Church procedure and organization that he called the “Articles of the Church of Christ.” In doing so, he literally fulfilled the command given to him the previous June when the Lord told him to “build up my church” by “rely[ing] upon the things which are written.”²⁵ Oliver’s Articles are an example of how closely he worked with the Prophet in laying the foundation of the Church. Years later, perhaps reflecting on these early events, Oliver confided to Phineas Young, his brother-in-law, how the Church, “the foundation of which my own hands helped to lay, is constantly near my thoughts.”²⁶

The authoritative tone is what first strikes the reader of the Articles. It is written so that the Lord speaks in the first person, just as many of

the revelations to Joseph. It may seem odd that Oliver was the actual compiler of revelation when his role as scribe for the Prophet seems so commonplace. Nevertheless, in the context of the pre-Church organization, Cowdery's actions were legitimate. Not until a year later, in the summer of 1830, months after the Church was organized, did the Lord specify that Joseph Smith, and Joseph Smith alone, was the Lord's appointed mouthpiece (D&C 28:1–7). Oliver Cowdery, as a bipartite holder of the restored keys of the Melchizedek Priesthood, was entitled to certain gifts of the Spirit. Elder Joseph Fielding Smith, who served for many years as Church historian and, later, as Church President, described Oliver's unique position: "Oliver Cowdery's standing in the beginning was as the 'Second Elder' of the Church, holding the keys jointly with the Prophet Joseph Smith."²⁷ Heber C. Kimball, a contemporary of Oliver Cowdery and later a counselor to Brigham Young in the First Presidency, noted that "Oliver Cowdery received revelations and wrote them."²⁸ However, it should not be automatically assumed that God's word to Oliver is precisely the same in nature as Joseph's revelations. The following two sections will highlight many differences.

Still, in his calling as the Second Elder, Oliver apparently held sufficient authority to write the first articles in anticipation of the Church's organization. Oliver testified that the Spirit of the Lord guided him throughout: "Behold I have written the things which [the Lord] hath commanded me for behold his word was unto me as a burning fire shut up in my bones and I was weary with forbearing and I could forbear no longer."²⁹

The Contents of Cowdery's 1829 Articles

The surviving copy of Cowdery's "Articles of the Church of Christ" is transcribed and printed in full as an appendix at the end of this article. A brief synopsis of its contents shows that Oliver selected doctrinal or essential ordinance passages from the unpublished Book of Mormon manuscript, integrated those passages with material from several of the Prophet's 1829 revelations, and added a few lines of his own commentary.

The Articles begin simply with the words "A commandment from God unto Oliver how he [Oliver] should build up his [the Lord's] church and the manner thereof." The Spirit tells Oliver to "listen to the voice of Christ . . . and write the words which I [the Lord] shall command you concerning my Church my Gospel my Rock and my Salvation."

The Church is then warned, "Behold the world is ripening in iniquity and it must needs be that the children of men are stirred up unto repentance both the Gentiles and also the House of Israel." Thus, a call

to repentance is issued and the apostolic calling of Oliver is affirmed: “For behold I [the Lord] command all men every where to repent and I speak unto you [Oliver] even as unto Paul mine apostle for ye are called even with that same calling with which he was called.”

Next, the manner and form of baptism are defined (reflecting 3 Nephi 11 and Mosiah 18). The procedure to be used by Church elders in ordaining priests and teachers is then explained (following Moroni 3), duties of the priests are specified, and the manner and form of administering the sacrament are defined (complete with the words of the sacrament prayers from Moroni 4–5). A commandment is given to refuse to allow the unworthy (unrepentant) to partake of the sacrament (echoing 3 Nephi 18:28).

Church members are counseled to meet together often for prayer and fasting and to report their personal progress toward eternal life (as the people are commanded in 3 Nephi 18:22 and Moroni 6). A warning is given against a dozen evils and iniquities (along the lines of Alma 1:32), and instructions are given to dismiss those who will not repent. The Lord calls all to repentance and invites them to come unto him, be baptized, endure to the end, and be saved, using language reminiscent of the words spoken by Jesus Christ as recorded in 3 Nephi 11.

The next sentence reads, “Behold ye must walk uprightly before me and sin not and if ye do walk uprightly before me and sin not my grace is sufficient for you that ye shall be lifted up at the last day.” This is followed by a direct quotation from the earliest revelation given to Oliver Cowdery by the Prophet Joseph Smith in April 1829, found in D&C 6:21: “Behold I am Jesus Christ the Son of the liveing God I am the same which came unto my own and my own received me not I am the light which shineth in darkness and the darkness comprehendeth it not.”

Finally, the Lord bears testimony that “these words are not of men nor of man but of me,” and the closing statement reads, “Now remember the words of him who is the first and the last the light and the life of the world And I, Jesus Christ, your Lord and your God and your Redeemer, by the power of my Spirit hath spoken it Amen[.]”

Oliver appends an assertion of the authority by which this statement is issued: “And now if I have not authority to write these things judge ye behold ye shall know that I have authority when you and I shall be brought to stand before the judgment seat of Christ[.]” Cowdery then bears his apostolic testimony: “Behold I am Oliver I am an Apostle of Jesus Christ by the will of God the Father and the Lord Jesus Christ.”

As is further confirmed by the notes to the transcription that follows in the appendix below, Oliver incorporated procedures and ordinances

gleaned from the Book of Mormon, supplemented by modern revelation or commentary of his own origination, to write his Articles of the Church of Christ.³⁰

A Brief Comparison of Cowdery's 1829 Articles with the 1830 Articles and Covenants

In the last twenty years, several Mormon writers have described Cowdery's 1829 Articles as the source or as a draft of the later Articles and Covenants (D&C 20).³¹ By this they imply that Joseph Smith revised and expanded Cowdery's earlier Articles. For the following reasons, such an interpretation is both inaccurate and misleading.

Comparison of Oliver Cowdery's 1829 Articles with an original 1830 version manuscript of the Articles and Covenants (D&C 20) is impossible since no surviving copy of the latter predates early 1831. The earliest extant manuscript of D&C 20 is cited herein as Watters-Daily.³² This early copy was made by an unidentified scribe sometime between February 9 and June 19, 1831.³³ Careful textual comparison of Cowdery's 1829 Articles against this early copy of D&C 20 reveals that Oliver Cowdery's document is far more dependent on the Book of Mormon text than is the latter. Roughly one-fifth of section 20³⁴ relies on the Book of Mormon for its text, while more than half of Cowdery's Articles are either direct quotations or paraphrases with slight deviations from the Book of Mormon.³⁵

Since the Prophet Joseph Smith left only a brief, general description of the reception of D&C 20, we are left to wonder exactly how the Articles and Covenants information was received.³⁶ Apparently a large percentage of the Articles and Covenants came by direct revelation to the Prophet. While the wording of the baptismal and sacramental ordinances in both documents is similar (as one would expect, given that the restored Church's use of baptismal and sacramental prayers are derived from the Book of Mormon),³⁷ significant differences exist. Cowdery's manuscript quotes or paraphrases almost double the amount of words from the Book of Mormon as does the Watters-Daily copy of D&C 20.³⁸ The Articles and Covenants, given through the Prophet Joseph Smith, is a richer, more comprehensive doctrinal and procedural document that in fact bears little or no resemblance to the earlier Cowdery Articles. More than a decade ago, Richard Lloyd Anderson described Cowdery's Articles not as a draft, but as a "forerunner" of section 20.³⁹ Analysis and comparison of these two early regulatory documents bears this description out. Cowdery's 1829 document came before the 1830 Articles and Covenants,

but Cowdery's document was not revised, corrected, expanded or specifically used to create section 20.

As shown in the next section, the more comprehensive Articles and Covenants, which was received during the second quarter of 1830, quickly eclipsed Cowdery's less complex version of the Church articles. Oliver's 1829 document should be read and understood simply as a preliminary step taken by the Second Elder to assist in laying the administrative groundwork for the organization of the restored Church.

Writing the Articles and Covenants of the Church

The historical heading of section 20 in the current edition of the Doctrine and Covenants says that the Articles and Covenants was received in April 1830, but does not say where it was received. No explanation or source is given to support this dating. When the Articles and Covenants was published in the 1833 edition of the Book of Commandments, the date and location were given as June 1830 at Fayette, New York.⁴⁰ Regrettably, we do not have an original manuscript or even a pre-1831 copy of the Articles and Covenants. The two earliest copies are the Watters-Daily manuscript and a version printed in an Ohio newspaper. Both of these items preserve the text as it read in early 1831.⁴¹ In analyzing these copies, one needs to remember that the Articles and Covenants was a practical religious text that the Prophet revised and expanded as the Church organization developed.⁴²

Reliable sources provide enlightening details that allow us to approximate the time period for the reception of section 20. It appears that Joseph Smith dictated D&C 20 between late March and the first week of June 1830.⁴³ This dating is derived from the earliest time period in 1830 that Joseph Smith was in western New York for a sustained visit (not a brief visit such as those mentioned by Mother Lucy Mack Smith⁴⁴) and the June 9, 1830, church conference at Fayette where the Articles and Covenants was first read in public. A manuscript history written by Joseph Knight, a close friend and supporter of Joseph Smith, describes how he transported the Prophet in his wagon from Harmony to Manchester at the time E. B. Grandin was completing the printing of the Book of Mormon, just before the Church's organization. Mother Lucy Mack Smith, in her family memoir, recalled that Joseph returned from Pennsylvania "about the first of April of the same year in which the Book of Mormon was published."⁴⁵

Additional historical evidence suggests that Joseph Smith and Oliver Cowdery were together when the Articles and Covenants was written.

Oliver was living in the Palmyra-Manchester area during spring 1830 as he, along with Joseph's brother Hyrum, personally supervised the publication of the Book of Mormon. In late March or early April 1830, Cowdery traveled along with Joseph Smith and others to Fayette, New York, where they participated in the organization of the restored Church of Christ on April 6, 1830.

Though Oliver Cowdery was probably involved in writing section 20, this time it was only in the mechanical sense—as the Prophet's scribe. Years later, Brigham Young described how Joseph had to struggle with Oliver as the Prophet dictated a revelation on priesthood—evidently the 1830 Articles and Covenants. President Young said, “You read that Oliver Cowdery was the Second Elder and you remember the Revelation on the Priesthood [section 20];⁴⁶ . . . Joseph was two hours laboring with O[liver] C[owdery] to get him to write the Revelation in humility.”⁴⁷ The fact that Oliver Cowdery had compiled an earlier set of Articles could at least partially explain his reluctance or difficulty. The Second Elder may have felt that his earlier composition of the Articles was being overlooked or was already sufficient.

It is uncertain whether Joseph Smith had either received or committed the Articles and Covenants to paper by the time the Church was organized at Fayette on April 6, 1830. Since there are no contemporary minutes for the meeting that day, it is not known if D&C 20 was presented or discussed. None of those present in Fayette on that memorable day mentioned the Articles and Covenants in connection with the formal organization.

On the other hand, during the first quarterly conference of elders held in Fayette on June 9, 1830, Joseph Smith read the Articles and Covenants and then called for a sustaining vote.⁴⁸ The conference minutes reported that the revelation was “recieved [*sic*] by the unanimous voice of the whole congregation, which consisted of most of the male members of the Church.”⁴⁹ At this inaugural conference, the priesthood holders were given licenses showing their priesthood office (fig. 4) and certifying that they had been “baptized and received into the Church according to the Articles and Covenants of the Church.” Alongside his official Church leadership title, the Prophet signed his name to these simple handwritten certificates as First Elder, and Oliver Cowdery signed as Second Elder.⁵⁰

A Brief Overview of the Contents of the 1830 Articles and Covenants

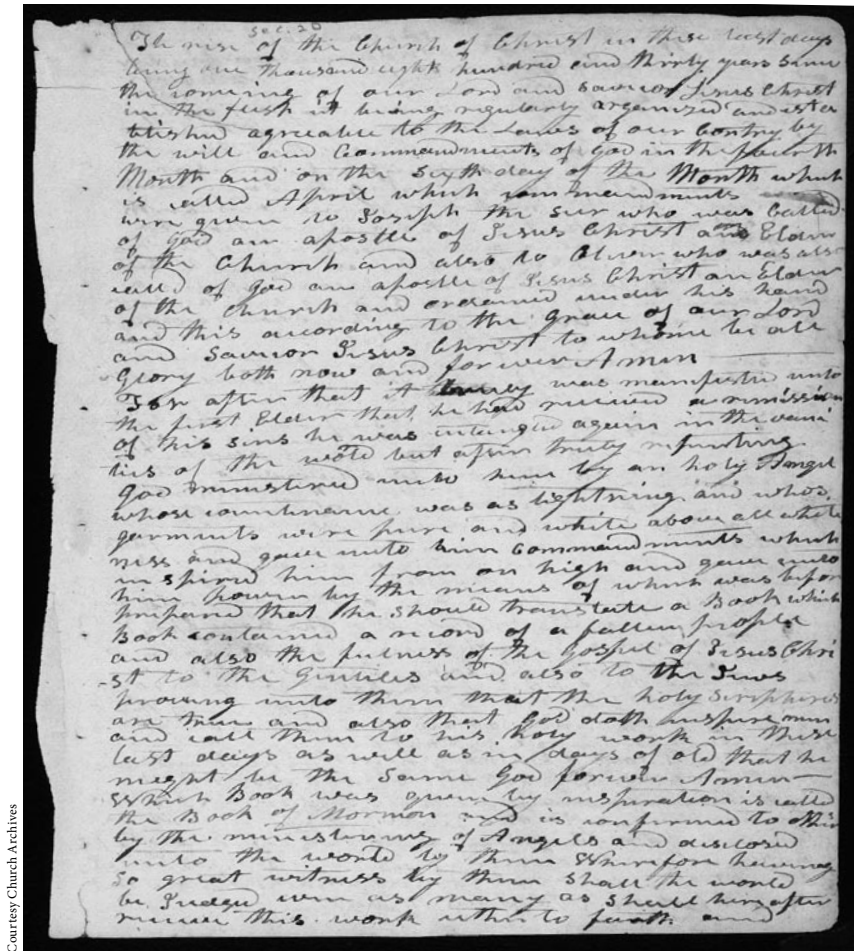
An examination of the contents and structure of the Articles and Covenants (fig. 5) discovers that the revelation has two sections. The first part,

A License Liberty Power & Authority
 Given to Joseph Smith sen^r signifying & proving that
 he is a Priest of this Church of Christ established & regularly
 organized in these last days of 1830 on the 6th day of
 April all of which has been done by the will of God the Father accor-
 ding to his holy calling & the gift & power of the Holy Ghost agree-
 able to the revelations of Jesus Christ given to Joseph Smith pres^{nt}
 the first Elder of the Church signifying that he has been baptized
 & received into the Church according to the Articles & Covenants of
 the Church & ordained under the hand of Oliver Cowdery who is an
 Apostle of our Lord an Elder of the Church

Signed by Joseph Smith 1st Elder
 Oliver Cowdery 2nd Elder

Given to the Bearer in conference held in
 Fayette Seneca County N.Y. June 9th 1830

FIG. 4. During the inaugural conference of elders held in Fayette on June 9, 1830, Joseph Smith read the Articles and Covenants and then called for a sustaining vote. Ten handwritten priesthood licenses were then given to the priesthood holders present. This license given to Joseph Smith Sr. is signed by the Prophet as First Elder and Oliver Cowdery as Second Elder. All of the licenses issued that day were written out by Oliver Cowdery. The long ink splotch under Cowdery's signature was a crude seal added to prevent anyone else from signing their names to the licenses.



Courtesy Church Archives

FIG. 5. Manuscript copy of the first page of the Articles and Covenants, ca. early 1831. It is referred to as the Watters-Daily copy in this essay, and is written in the hand of an unknown scribe. This is the earliest known manuscript of what would become D&C section 20.

verses 1–36 in the current edition of the Doctrine and Covenants, has five subsections or paragraphs that all end with “Amen” and that are beautifully succinct historical and doctrinal statements. The second part, comprising verses 37–84, details the procedural requirements and ordinances of the restored Church of Christ. A brief outline of the contents, referenced by the modern versification, follows.

The five “Amen” sections are:

Verses 1–4: The Church of Jesus Christ of Latter-day Saints was founded according to civil law and “by the will and commandments of God” on April 6, 1830. The Lord gave these commandments to “Joseph the Seer,”⁵¹ whom he called and ordained an Apostle of the Savior “to be the first elder”⁵² of the Church and to Oliver Cowdery, whom the Savior called and ordained an Apostle and “the second elder.”

Verses 5–12: After Joseph Smith received forgiveness for his youthful sins (during the First Vision), he became “entangled again in the vanities of the world.” But Joseph repented, and God sent a “holy angel [Moroni], whose countenance was as lightning and whose garments were pure,” to the Prophet multiple times from 1823 to 1827. In due time, the Lord “inspired him and gave him power from on high” to translate the Book of Mormon plates, “proving to the world that the holy scriptures are true” and that the Book of Mormon is a second witness of Jesus Christ and his eternal gospel.

Verses 13–16: The world will be judged by the testimony of the Three Witnesses. Those who accept the Book of Mormon will “receive a crown of eternal life; but those who harden their hearts and reject it” will be damned.

Verses 17–28: The doctrine of the unchangeable God and the creation, fall, and atonement are explained.

Verses 29–36: The Lord explains the doctrines of repentance, faith, justification, and sanctification. Verse 36 concludes the historical and doctrinal section of the Articles and Covenants.

The remainder of D&C section 20 contains the core administrative procedures and ordinances by which the priesthood and general Church membership are to abide. The Prophet organized the final section of the Church’s constitution in the following order:

Verse 37: The prerequisites for baptism are explained.

Verses 38–67: Duties of the elders, priests, teachers, deacons, and members of the Church of Christ are detailed.

Verses 68–71: Duties of baptized members are explained.

Verses 72–74: The mode of baptism is specified (that is, immersion) and the baptismal prayer is given (compare 3 Nephi 11:25).

Verses 75–79: The Church is commanded to “meet together often” to partake of the sacrament in the “remembrance of Jesus Christ.” The sacramental prayers on the bread and wine of the Lord’s Supper are specified (compare Moroni 4–6).⁵³

Verse 80: The procedure for dealing with members in transgression is explained.

Verses 81–84: Finally, Church regulations governing membership lists and recommends are given.

Acceptance of the Articles and Covenants

An interesting episode directly connected with the acceptance of the Articles and Covenants occurred a short time after the Church was organized. The Prophet's manuscript history preserves some of the details of the incident.⁵⁴ Sometime in either July or August 1830, while Oliver Cowdery was living with the Whitmers at Fayette, he discovered what he thought was an error in the Articles and Covenants. Oliver became alarmed when he read "and truly manifest by their works that they have received of the Spirit of Christ unto the remission of their sins."⁵⁵ Cowdery wrote an angry letter to Joseph, who was working his farm in Harmony, pointing out the alleged doctrinal mistake. It is possible that Oliver associated the requirement of "manifest by their works" as being too closely akin to the requirement that a believer must prove before the congregation that he or she has received God's grace before being admitted into full fellowship,⁵⁶ but the basis of his objection remains unstated and obscure. Oliver simply demanded "in the name of God" that Joseph make the deletion so that, as he warned, "no priestcraft be amongst us."⁵⁷

In a prompt reply to his assistant, Joseph Smith asked Oliver "by what authority he took upon him to command [the Prophet] to alter or erase, to add or diminish to or from a revelation or commandment from the Almighty God."⁵⁸ A short time later, Joseph visited Oliver and the Whitmer family, and, as the Prophet describes, "with great difficulty, and much labour" he reasoned with and convinced them that Oliver Cowdery's "rash judgment" did not accord with the Spirit of God and that the challenged religious doctrine in the Articles and Covenants was "in accordance with the rest of the commandment."⁵⁹ The evidence indicates that after all they had been through—their shared revelatory experiences in the restoration of the Aaronic and Melchizedek priesthood and the inspired translation of the Book of Mormon—Cowdery evidently viewed himself as Joseph Smith's coequal—a position that was not his to claim.

When the Church met for the second quarterly conference on September 26, 1830, at Fayette, conference attendees appointed the Prophet to preside. The minutes show that the first item of business voted upon was the appointment of Joseph Smith as the one "to receive and write Revelations & Commandments for this Church," and the "voice of the Conference" sanctioned the resolution.⁶⁰ Oliver Cowdery was not the only prominent individual who had challenged the Prophet's authority; Hiram Page had

attempted to receive revelation “concerning the upbuilding of Zion [and] the order of the Church.”⁶¹ Acknowledging Joseph Smith as the only revelator for the Church clarified, for leaders and members alike, that he alone was charged with the prophetic governance of the Church.⁶²

During the conference, Oliver Cowdery read the Articles and Covenants to the congregation, and the Prophet commented upon them.⁶³ Evidently, by autumn 1830, Oliver had become reconciled to and sustained the Articles and Covenants as the procedural authority of the Church, as did all other members at that time.

Conclusion

The Articles and Covenants of the Church of Christ began to take shape shortly after Joseph Smith and Oliver Cowdery first met in April 1829. The Lord commanded Oliver to “rely upon the things which are written” in shaping the forthcoming Church’s earliest policies and procedures (D&C 18:3). Cowdery’s Articles of the Church of Christ, prepared sometime in the second half of 1829, was a relatively short procedural statement that depended heavily on excerpts from the Book of Mormon and early revelations to the Prophet. Thus it can be concluded that even though Oliver’s Articles were written in the first person of Christ’s voice, it does not rise to the same stature of original and authoritative revelation. At some point between late March and early June 1830, the Prophet Joseph Smith, assisted by Oliver Cowdery as scribe, wrote the revelation known as the Article and Covenants, which superceded Cowdery’s earlier Articles. In the more comprehensive and longer Articles and Covenants, the Lord gave to Joseph, Oliver, and the Church a constitutional and procedural guide to regulate Church affairs. Oliver’s 1829 document was simply a preliminary attempt to compile a governing document, but it lacked the organizational details needed to administer to the needs of the Church. The material in D&C section 20 was read in the first two conferences of the Church and was cited authoritatively in official Church documents, such as priesthood licenses and member recommends, from the earliest years of the Church.

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Appendix: Oliver Cowdery's 1829 "Articles of the Church of Christ"

In the early 1970s, while conducting research on the historical and textual development of the revelations in the Doctrine and Covenants, Robert J. Woodford analyzed all extant manuscript copies of Joseph Smith's revelations, most of which are in the LDS Church Archives.⁶⁴ Woodford's analysis of D&C section 20 includes the earliest verbatim transcription of Oliver Cowdery's Articles of the Church of Christ.⁶⁵ Woodford's was the first public presentation of Cowdery's 1829 document.

The only surviving copy of Cowdery's Articles was written on a large sheet of paper folded in half, creating a four-page manuscript. Oliver wrote on the first three pages and left the fourth page blank.⁶⁶ The document's concluding notation, written by Oliver, indicates that this manuscript is a "true copy" of the Articles of the Church as they existed in 1829. This suggests that an earlier, original Articles manuscript must have once existed. From mid-1831 until the late 1950s, this three-page "true copy" was hidden away and unknown to anyone.

What is unique about Cowdery's manuscript is that it was once part of the official Church records but was lost (probably stolen) from the Church in summer 1831. Almost 130 years later, in 1960, the Church unexpectedly received Cowdery's Articles document as part of a larger donation of early church manuscripts. The unsolicited donation came from a non-Mormon descendant of an individual briefly noticed in the Ohio period of Latter-day Saint history. Many readers of early Mormon history will recall the name Symonds Ryder. He had joined the Church by June 1831, but his conversion was short-lived and he apostatized after only a few months. In addition, the official Church history identifies Symonds Ryder as the notorious ringleader of the Hiram, Ohio, mob that tarred and feathered Joseph Smith and Sidney Rigdon in March 1832.⁶⁷ Earlier, prior to his apostasy, Ryder was mentioned in a revelation (D&C 52:37) when the Lord called him to replace an unfaithful missionary. Unfortunately, in writing the revelation and letter of appointment, the Prophet's scribe misspelled Symonds Ryder's name by writing an *i* rather than a *y*. This innocent mistake allegedly gave Ryder reason to doubt Joseph Smith's source of inspiration. Even though Ryder himself was not very consistent, his preferred spelling of the name is Symonds Ryder. Strangely, and with perhaps a touch of humorous irony, the current edition of the Doctrine and Covenants still misspells Ryder's first name.

There is a potential link, recently discovered, between Symonds Ryder's apostasy and the disappearance of the manuscript of Oliver Cowdery's

Articles of the Church in 1831. Ryder was in Kirtland on June 6, 1831, when he was ordained an elder by Joseph Smith.⁶⁸ Two weeks after Symonds's ordination, the Prophet, accompanied by many of the leading brethren in Ohio, departed from Kirtland on their first visit to Independence, Jackson County, Missouri—the site of the prophesied city of the New Jerusalem and the land designated as Zion. Allegedly, with the Church leaders away, Symonds Ryder traveled north from his farm in Hiram, Ohio, up to the Church headquarters in Kirtland. Somehow, without being discovered, he accessed the Church records. Symonds apparently knew what he was looking for. He secured a certain group of manuscript revelations. The documents he took detailed, in one way or another, the organization, procedures, or laws of the Church. Included in these materials was Oliver Cowdery's 1829 Articles.⁶⁹ Ironically, also among the manuscripts was a copy of the revelation in which Ryder's name was misspelled. More than 125 years later, in 1958, Symonds Ryder's descendants discovered these manuscript revelations tightly rolled up in a linen handkerchief inside the drawer of a dresser that had been in the Ryder family for many years. The family believes that Ryder himself hid these documents for unknown reasons and they remained untouched until being discovered in 1958. It was his great-great-granddaughter who unrolled the precious old documents and flattened them in books. Two years later, the Ryder family, assisted by a Latter-day Saint family living in the community of Ravenna, Ohio, forwarded these priceless historical revelation documents to the Church historian in Salt Lake City.⁷⁰

The following is a verbatim transcription of the original manuscript now in the LDS Church Archives. Spelling, punctuation, capitalization, and paragraphing are reproduced as in the handwritten document. Angle brackets (as in <eat>) are used to show letters or words inserted in the text by Oliver Cowdery. Editorial additions are indicated with square brackets (as in [it]). Bracketed page numbers (as in [p. 1]) denote the end of a page in the original. Cowdery's frequent use of the ampersand has been silently replaced with "and." The entire document is in Oliver's handwriting.

Transcription of the 1829 Articles of the Church of Christ

A commandment from God unto Oliver how he should build up his church⁷¹ and the manner thereof—

Saying Oliver listen to the voice of Christ your Lord and your God and your Redeemer and write the words which I shall command you concerning my Church my Gospel my Rock⁷² and my Salvation. Behold the world

is ripening in iniquity and it must needs be that the children of men are stirred up unto repentance both the Gentiles and also the House of Israel⁷³ for behold I command all men every where to repent and I speak unto you even as unto Paul mine apostle for ye are called even with that same calling with which he was called⁷⁴ Now therefore whosoever repenteth and humbleth himself before me and desireth to be baptized in my name shall ye baptize them⁷⁵ And after this manner did he command me that I should baptize them Behold ye shall go down and stand in the water and in my name shall ye baptize them And now behold these are the words which ye shall say calling them by name saying Having authority given me of Jesus Christ⁷⁶ I baptize you in the name of the Father and of the Son and of the Holy Ghost Amen And then shall ye immerse them in the water and come forth again out of the water and after this manner shall ye baptize in my name For behold verily I say unto you that the Father and the Son and the Holy Ghost are one and I am in the Father and the Father in me and the Father and I are one.

And ye are also called to ordain Priests and Teachers according to the gifts and callings of God unto men⁷⁷ and after this manner shall ye ordain them Ye shall pray unto the Father in my name and then shall ye lay your hands upon them and say In the name of Jesus Christ I ordain you to be a Priest or if he be a Teacher⁷⁸ I ordain you to be a Teacher to preach repentance and remission of sins through Jesus Christ by the endurance of faith on his name to the end Amen⁷⁹ And this shall be the duty of the Priest He shall kneel down and the members of the Church shall kneel also which Church shall be called The Church of Christ and he shall pray to the Father in my name for the church and if it so be that it be built upon my Rock I will bless it And after that ye have prayed to the Father in my name ye shall preach the truth in soberness casting out none from among you⁸⁰ but rather invite them to come And the Church shall oft partake of bread and wine⁸¹ and after this manner shall ye partake of it The Elder or Priest shall minister it and after this manner shall he do he shall kneel with the Church and pray to the Father in the name of Christ and then shall ye say O God the Eternal Father [p. 1] we ask thee in the name of thy Son Jesus Christ to bless and sanctify this bread to the souls of all those who partake of it that they may *et* <eat> in remembrance of the body of thy Son and witness unto thee O God the Eternal Father that they are willing to take upon them the name of thy Son and always remember him and keep his commandments which he hath⁸² given them that they may always have his spirit to be with them Amen⁸³ And then shall ye take the cup and say O God the Eternal Father we ask thee in the name of thy Son Jesus Christ to bless and sanctify this wine to the souls of all those who drink of it that they may do

[it] in remembrance of the blood of thy Son which was shed for them that they may witness unto thee O God the Eternal Father that they do always remember him that they may have his spirit to be with them Amen⁸⁴ And now behold I give unto you a commandment⁸⁵ that ye shall not suffer any one knowingly to partake of my flesh and blood unworthily when ye shall minister it for whoso eateth and drinketh my flesh and blood unworthily eateth and drinketh damnation to his soul Therefore if ye know that a man is unworthy to eat and drink of my flesh and blood ye shall forbid him nevertheless ye shall not cast him out from among you but ye shall minister unto him and shall pray for him unto the Father in my name and if it so be that he repenteth and is baptized in my name then shall ye receive him and shall minister unto him of my flesh and blood but if he repenteth not he shall not be numbered among my people that he may not destroy my people For behold I know my sheep and they are numbered nevertheless ye shall not cast him out of your Synagogues or your places of worship for unto such shall ye continue to minister for ye know not but what they will return and repent and come unto me with full purpose of heart and I shall ~~heat~~ <heal> them and ye shall be the means of bringing Salvation unto them Therefore keep these sayings which I have commanded you that ye come not under condemnation for wo unto him whom the Father condemneth—⁸⁶

And the church shall meet together oft for prayer and sup[p]lication casting out none from your places of worship but rather invite them to come And each member shall speak and tell the church of their progress in the way to Eternal life

And there shall be no pride nor envying nor strifes nor malice nor idolety nor witchcrafts nor whoredoms nor fornications nor covetiousness nor lying nor deceits nor no manner of iniquity⁸⁷ and if any one is guilty of any or the least of these and doth not repent and show fruits mee<a>ts [meets] for repentance they shall not be numbered among my people that they may not destroy my people [p. 2]

And now I speak unto the Church Repent all ye ends of the Earth and come unto me and be baptized in my name⁸⁸ which is Jesus Christ and endure to the end and ye shall be saved Behold Jesus Christ is the name which is given of the Father and there is none other name given whereby men can be saved Wherefore all men must take upon them the name which is given of the Father for in that name shall they be called at the last at <day> Wherefore if they know not the name by which they are called they cannot have place in the Kingdom of my Father⁸⁹ Behold ye must walk uprightly before me and sin not and if ye do walk uprightly before me and sin not⁹⁰ my grace is sufficient for you that ye shall be lifted up at

the last day⁹¹ Behold I am Jesus Christ the Son of the liveing God I am the same which came unto my own and my own received me not I am the light which shineth in darkness and the darkness comprehendeth it not⁹² these words are not of men nor of man but of me⁹³ Now remember the words of him who is the first and the last the light and the life of the world⁹⁴ And I Jesus Christ your Lord and your God and your Redeemer by the power of my Spirit hath spoken it Amen⁹⁵

And now if I have not authority to write these things judge ye behold ye shall know that I have authority when you and I shall be brought to stand before the judgment seat of Christ⁹⁶ Now may the [*manuscript torn*] [grace] of God the Father and our Lord Jesus Christ be and abide with you all⁹⁷ and [*manuscript torn*] [finally] save you Eternally in his Kingdom through the Infinite atonement which is in Jesus Christ Amen—

Behold I am Oliver I am an Apostle of Jesus Christ by the will of God the Father and the Lord Jesus Christ Behold I have written the things which he hath commanded me for behold his word was unto me as a burning fire shut up in my bones and I was weary with forbearing and I could forbear no longer⁹⁸ Amen—

Written in the year of our Lord and Saviour 1829—

A true Copy of the articles of the Church of Christ &c.⁹⁹

1. Lyndon W. Cook, *The Revelations of the Prophet Joseph Smith* (Provo, Utah: Seventy's Mission Bookstore, 1981), 31. See also Robert John Woodford, "The Historical Development of the Doctrine and Covenants," 3 vols. (PhD diss., Brigham Young University, 1974; CD version, Joseph Fielding Smith Institute for Latter-day Saint History and BYU Studies, 2001) 1:286–93.

2. Oliver Cowdery, in the final installment of his history of the "rise of the church," stated that Moroni told Joseph Smith in 1823 that "when they [the Book of Mormon plates] are interpreted the Lord will give the holy priesthood to some, and they shall begin to proclaim this gospel and baptize by water, and after that they shall have power to give the Holy Ghost by the laying on of their hands." Oliver Cowdery to W. W. Phelps, Letter 8, undated, ca. September–October 1835, printed in *Messenger and Advocate* 2 (October 1835): 199. All primary sources, both published and unpublished, will be cited as in the original documents, with no attempt to correct spelling, capitalization, and so forth.

3. *A Book of Commandments, For the Government of the Church of Christ Organized According to Law, on the 6th of April, 1830* (Zion [Independence, Mo.]: W. W. Phelps, 1833), 9:14 (hereafter cited as *Book of Commandments*); current D&C 10:53–55.

4. Joseph Smith read a similar statement sometime in May or June 1829, while translating the Savior's teachings to the Nephites. Speaking about the latter-day Gentiles, the Lord said, "But if they will repent, and hearken unto my words, and harden not their hearts, I will establish my church among them." *The Book*

of *Mormon* (Palmyra, N.Y.: E. B. Grandin, 1830), [3rd] Nephi, chapter 10 (p. 501) (hereafter cited as 1830 Book of Mormon); current 3 Nephi 21:22.

5. Book of Commandments 4:5. When the revelation was prepared for publication in the 1835 Doctrine and Covenants, verses 5 and 6 of the Book of Commandments were replaced by the material in the latter half of verse 3 in the 1835 edition. Current D&C 5:18–20 reads the same as the 1835 D&C. The only extant manuscript copy of Doctrine and Covenants 5 is worded slightly differently: “And I will establish my Church yea even the church which was taught by my Disciples.” D&C 5 manuscript, undated, 1, Newel K. Whitney Collection, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah (hereafter cited as Perry Special Collections).

6. 1835 D&C 32:3; current D&C 5:14. This phrase was first included in the revelation when it was published in the 1835 D&C.

7. These revelations are found in current D&C 6–9, 11–18. Current D&C 10, received in summer 1828, is chronologically out of order due to the 1833 Book of Commandments editors incorrectly assigning a later date of May 1829 (see Book of Commandments, chapter 9, heading). While compiling the Prophet’s official history in 1839, James Mulholland, one of Joseph Smith’s clerks, inserted a copy of this revelation into the Prophet’s manuscript history immediately following section 3 (dated July 1828). Mulholland used the 1835 D&C as his source text for this revelation. See Manuscript History of the Church, Book A-1, 10–11, Church Archives, The Church of Jesus Christ of Latter-day Saints, Salt Lake City (hereafter cited as LDS Church Archives), published in Dean C. Jessee, ed., *The Papers of Joseph Smith*, 2 vols. (Salt Lake City: Deseret Book, 1989–92), 1:287–88. For an in-depth discussion of the dating of D&C 10, see Max H. Parkin, “A Preliminary Analysis of the Dating of Section 10,” *Sidney B. Sperry Symposium*, January 27, 1979, *The Doctrine and Covenants* (Provo, Utah: Brigham Young University Press, 1979), 68–84. For a convenient listing of the activities of that eventful spring, see John W. Welch, “How Long Did It Take to Translate the Book of Mormon?” in John W. Welch, ed., *Reexploring the Book of Mormon* (Salt Lake City: Deseret Book and FARMS, 1992), 1–8.

8. Book of Commandments 5:1; current D&C 6:2.

9. Book of Commandments 5:3; current D&C 6:6.

10. Book of Commandments 5:6; current D&C 6:14.

11. Book of Commandments 7:1; current D&C 8:1. See also Book of Commandments 5:2, 5, 6–7 (current D&C 6:5, 10–11, 14–15); Book of Commandments 7:1–2, 3–4 (current D&C 8:1–4, 9–11).

12. Book of Commandments 5:11; current D&C 6:25.

13. Book of Commandments 8:1; current D&C 9:1. The Lord told Oliver that after completing this sacred assignment he would be given power to help translate other records. In verse two of the current D&C 9, the superscript letter *a* on the word *other* is keyed to the phrase *other records*. The corresponding footnote describes Oliver Cowdery’s later participation in the “New Translation” of the Bible (the Joseph Smith Translation, or JST) and a similar revelatory translation called the Book of Abraham, which was derived from Egyptian papyrus purchased by Church members at Kirtland in July 1835. Oliver Cowdery was the first of several scribes who helped the Prophet Joseph Smith with the translation of the Bible. Working from June through mid-October 1830, Oliver Cowdery wrote the first

installment of the Old Testament, Manuscript One (Joseph Smith Translation, Old Testament 1), starting on page one and ending on page ten, line five (Moses 1:1–5:43). For a typographical facsimile of Oliver Cowdery's contribution to the Bible translation, see *Joseph Smith's New Translation of the Bible: Original Manuscripts*, ed. Scott H. Faulring, Kent P. Jackson, and Robert J. Matthews (Provo, Utah: Religious Studies Center, Brigham Young University, 2004), 83–95. In 1866, Emma Smith, the Prophet's widow, gave the original JST manuscripts to her son, Joseph Smith III, the leader of the Reorganized Church of Jesus Christ of Latter Day Saints (RLDS Church). These manuscripts are in the library-archives of the Community of Christ (formerly RLDS Church), headquartered in Independence, Missouri. Since October 1880, The Church of Jesus Christ of Latter-day Saints has canonized the vision of Moses (Moses 1) and the first eight chapters of the JST in the Pearl of Great Price. Oliver Cowdery's involvement with the translation of the Book of Abraham (also in the Pearl of Great Price) occurred in the latter half of 1835. The surviving Kirtland Egyptian manuscripts, very little of which are in Oliver's handwriting, are in LDS Church Archives. Before Cowdery was involved in either of these scriptural undertakings, he lent a hand in laying the foundation of the latter-day Church of Christ.

14. Oliver Cowdery to William W. Phelps, Letter 1, September 7, 1834, published in *Messenger and Advocate* 1 (October 1834): 15.

15. Manuscript History of the Church, Book A-1, 17–18, published in Jessee, *Papers of Joseph Smith*, 1:290; Joseph Smith Jr., *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2d ed., rev., 7 vols. (Salt Lake City: Deseret Book, 1971), 1:39 (hereafter cited as *History of the Church*); Joseph Smith—History 1:68–70.

16. The official account of the Aaronic Priesthood restoration is in Manuscript History of the Church, Book A-1, 17–18; Jessee, *Papers of Joseph Smith* 1:290–91; *History of the Church*, 1:39–41; and Joseph Smith—History 1:68–72.

17. 1839 Draft History, first unnumbered page, Archive of the First Presidency, published in Jessee, *Papers of Joseph Smith*, 1:231. This draft was the source of the material copied into Manuscript History of the Church, Book A-1, 18; and published in Jessee, *Papers of Joseph Smith*, 1:291; *History of the Church*, 1:42; and Joseph Smith—History 1:73.

18. For a complete set and analysis of all known accounts of the restoration of the Melchizedek Priesthood, see Brian Q. Cannon and BYU Studies Staff, "Priesthood Restoration Documents," *BYU Studies* 35, no. 4 (1995–96): 163–207. Although many details were given, neither Joseph Smith nor Oliver Cowdery revealed the precise date on which Peter, James, and John restored the Melchizedek Priesthood. In the last twenty-five years, Mormon historians have written many articles attempting to identify the time frame for the bestowal of the Melchizedek Priesthood and the accompanying apostleship. After carefully studying the known facts and different views of this issue, I accept Larry Porter's findings (see his 1996 *Ensign* article listed below) that this event most likely occurred in late May 1829. For further, sometimes divergent, interpretations, see Larry C. Porter, "Dating the Restoration of the Melchizedek Priesthood," *Ensign* 9 (June 1979): 5–10; Larry C. Porter, "The Priesthood Restored," in *Studies in Scripture, Volume Two: The Pearl of Great Price*, ed. Robert L. Millet and Kent P. Jackson (Salt Lake City: Randall Book, 1985), 2:389–409; William G. Hartley, "'Upon You My Fellow Servants':

Restoration of the Priesthood,” in *The Prophet Joseph: Essays on the Life and Mission of Joseph Smith*, ed. Larry C. Porter and Susan Easton Black (Salt Lake City: Deseret Book, 1988), 49–72; Gregory A. Prince, *Having Authority: The Origins and Development of Priesthood During the Ministry of Joseph Smith* (Independence, Mo.: John Whitmer Historical Association Monograph Series, 1993), 16–32, updated and expanded in Gregory A. Prince, *Power from on High: The Development of Mormon Priesthood* (Salt Lake City: Signature Books, 1995), 3–15, 47–57; Larry C. Porter, “The Restoration of the Priesthood,” *Religious Studies Center Newsletter* 9 (May 1995): 1–12; D. Michael Quinn, *The Mormon Hierarchy: Origins of Power* (Salt Lake City: Signature Books, 1994), 1–38; and Larry C. Porter, “The Restoration of the Aaronic and Melchizedek Priesthoods,” *Ensign* 26 (December 1996): 30–47.

19. Book of Commandments, chapter 15, heading.

20. Book of Commandments 15:3–4. The material in square brackets was added to this revelation when it was published in the 1835 D&C (43:1). See current D&C 18:3–5.

21. 1835 D&C replaced *and* with *upon the foundation of*. See current D&C 18:3–5.

22. The historical evidence is ambiguous as to whether just Joseph Smith and Oliver Cowdery, or whether they and others (such as Martin Harris, Hyrum Smith, or any of the five Whitmer brothers), joined in asking the Lord for further revelation on the issue of receiving permission to bestow the gift of the Holy Ghost. See 1839 Draft History, 7–8; Jessee, *Papers of Joseph Smith*, 1:238–39. This draft was the source for the material copied into Manuscript History of the Church, Book A-1, 26–27; and published in Jessee, *Papers of Joseph Smith*, 1:299–300; and *History of the Church*, 1:60–62.

23. 1839 Draft History, 7–8. See also Jessee, *Papers of Joseph Smith*, 1:238–39, 299. Those helping compile the Prophet’s history copied this part of the draft, with some editing, into the Manuscript History of the Church, Book A-1, 26–27. See Jessee, *Papers of Joseph Smith*, 1:298–300. In both the 1839 Draft History and Manuscript History of the Church, Book A-1, the revelation given in June 1829 to Joseph Smith, Oliver Cowdery, and David Whitmer (current D&C 18) *comes after* the narrative about the revelation received at Father Whitmer’s log home. However, the correct historical sequence is the reverse. The other revelations, telling in detail the order of the Church organizational meeting and specifying the date when they should restore the Church, were given after mid-June 1829 (the latest possible date on which Joseph Smith could have received the revelation in D&C 18) and following completion of the Book of Mormon translation at the end of June. Joseph Smith received these revelations before his departure from western New York for his farm in Harmony in late August 1829, soon after contracting with E. B. Grandin to print the Book of Mormon.

24. Manuscript History of the Church, Book A-1, 29; Jessee, *Papers of Joseph Smith*, 1:300. This material was original to the Manuscript History of the Church. The 1839 Draft History reads, “We continued to receive instruction concerning our duties from time to time, and among many things the following directions, fixing the time of our anticipated meeting together for the purpose of being organized were given by the Spirit of prophecy and revelation.” 1839 Draft History, 8; and Jessee, *Papers of Joseph Smith*, 1:239.

25. Book of Commandments 15:3–4. See current D&C 18:3–4.
26. Oliver Cowdery to Phineas H. Young, November 12, 1846, Brigham Young Collection, LDS Church Archives.
27. Joseph Fielding Smith, *Doctrines of Salvation*, 3 vols., comp. Bruce R. McConkie (Salt Lake City: Bookcraft, 1954), 1:212. President Smith was an Apostle and the Church historian at the time he expressed this view.
28. Heber C. Kimball, in *Journal of Discourses*, 26 vols. (Liverpool: F. D. Richards, 1855–86), 5:28, July 12, 1857. These remarks were delivered in a public discourse in Salt Lake City.
29. Oliver Cowdery, “Articles of the Church of Christ,” 3, LDS Church Archives. Oliver Cowdery’s spiritual reaction, which he described “as a burning fire shut up in my bones, and I was weary with forbearing and I could forbear no longer,” is a close paraphrase of Jeremiah 20:9.
30. A detailed discussion of the use of the Book of Mormon in Cowdery’s 1829 Articles is presented in Scott H. Faulring, “The Book of Mormon: A Blueprint for Organizing the Church,” *Journal of Book of Mormon Studies* 7, no. 1 (1998): 60–69, 71.
31. See, for example, Woodford, “Historical Development,” 1:287; Richard L. Bushman, *Joseph Smith and the Beginnings of Mormonism* (Urbana, Ill.: University of Illinois Press, 1984), 157; David J. Whittaker, “The ‘Articles of Faith’ in Early Mormon Literature and Thought,” in *New Views of Mormon History*, ed. Davis Bitton and Maureen Ursenbach Beecher (Salt Lake City: University of Utah Press, 1987), 64–65; Stephen E. Robinson and H. Dean Garrett, *A Commentary on the Doctrine and Covenants*, 2 vols. (Salt Lake City: Deseret Book, 2000), 1:126; and Joseph Fielding McConkie and Craig J. Ostler, *Revelations of the Restoration: A Commentary on the Doctrine and Covenants and Other Modern Revelations* (Salt Lake City: Deseret Book, 2000), 155.
32. Named after the donor-facilitator who returned this manuscript to the Church in 1960. See additional details on this transaction later in this paper.
33. This copy was made about the same time as the reception of D&C 42 (which occurred early February 1831), a copy of which is in the same “manuscript gathering” containing this copy of D&C 20. At the latest, this copy was in existence in mid-June 1831, when Joseph Smith left Kirtland for Missouri and Symonds Ryder searched among the records the Church leaders had left behind. See note 67.
34. Because it is the earliest manuscript, the Watters-Daily copy of D&C 20 at the LDS Church Archives is used in this study for textual comparison. Of its 2,119 words, only 443 are derived from the Book of Mormon text.
35. Approximately 746 words (52 percent) of the total 1,444 words included in Cowdery’s Articles are directly dependent on the Book of Mormon text.
36. The Prophet’s manuscript history suggests that the Articles and Covenants was written in mid- to late-1829, which is actually a more accurate historical context for the writing of Cowdery’s 1829 Articles. See 1839 Draft History, 8; and Jesse, *Papers of Joseph Smith*, 1:239, 241. This draft material, with some editing, was copied into the Manuscript History of the Church, Book A-1, 29–30.
37. The Savior instituted the sacrament among the Nephites during his personal ministrations in AD 34 (see 3 Nephi 18), but specific wording for administering the sacrament is not recorded there. The manner of administering the

sacrament along with the specific sacramental prayers are found in Moroni, chapters 4–5.

38. The Watters-Daily copy of D&C 20 has 392 words dealing with baptism or sacrament, while Oliver Cowdery's Articles has 650 words on these same subjects.

39. Richard Lloyd Anderson, "The Organization Revelations (D&C 20, 21, and 22)," in *Studies in Scripture, Volume One: Doctrine and Covenants*, ed. Robert L. Millet and Kent P. Jackson (Salt Lake City: Deseret Book, 1984), 1:114.

40. See Book of Commandments, chapter 24, heading. The Book of Commandments was the Church's first, though unsuccessful, attempt to publish Joseph Smith's revelations in book form. The earliest publication of the Articles and Covenants by the Latter-day Saints was on the front page of the Church's first periodical, *The Evening and the Morning Star* (June 1832). No date or location for the reception of the Articles and Covenants was given in *The Evening and the Morning Star*.

41. See manuscript copy of D&C 20 from the Watters-Daily acquisition (described in note 97), Revelations Collection, LDS Church Archives; and "The Mormon Creed," *Painesville Telegraph*, April 19, 1831, 4. In this last reference, E. D. Howe, the antagonistic editor of the *Telegraph*, claimed that the copy he printed in his *Telegraph* newspaper was "obtained from the hand of Martin Harris" and was titled "The articles and covenants of the Church of Christ agreeable to the will and commandments of God."

42. A detailed analysis of the textual differences in the Articles and Covenants is in Woodford, "Historical Development," 1:303–51.

43. It is assumed from the earliest sources that the Articles and Covenants was written in western New York, either at Manchester or Fayette.

44. Mother Smith's narrative mentions at least two brief return trips made by Joseph during the winter of early 1830. The first was for Joseph to enforce his copyright on the Book of Mormon against Abner Cole for his (Cole's) unauthorized publication of Book of Mormon excerpts in the Palmyra *Reflector* in January 1830. The second return trip was when E. B. Grandin, fearful that he would not be paid for printing the Book of Mormon, stopped printing after being notified of a local boycott against the sale of the Book of Mormon. See Lucy Mack Smith, *Biographical Sketches*, 149–51.

45. See Dean C. Jessee, ed., "Joseph Knight's Recollection of Early Mormon History," *BYU Studies* 17 no. 1 (1976): 36–37; and Lucy Mack Smith, *Biographical Sketches*, 151. The first edition Book of Mormon was available for purchase by the last week of March 1830. The book was first advertised for sale in the *Wayne Sentinel*, March 26, 1830, 3.

46. The priesthood revelation mentioned here by Brigham Young, during which Oliver was present, can only be the "Articles and Covenants" (D&C 20). In the Latter-day Saint scriptures, there are only two other revelations given to the Prophet Joseph Smith that overwhelmingly focus on priesthood: D&C sections 84 and 107. When D&C 84 was received in September 1832, Cowdery was serving as the presiding priesthood leader in Zion (Jackson County, Missouri) and was not present in Kirtland, Ohio, for the reception of this revelation. Also, there is no evidence to suggest that Cowdery was in conflict with Joseph Smith over the contents of, or involved in the writing (scribal or otherwise) of D&C 107, parts of which were given in 1831 and 1835.

47. Brigham Young, Provo School of the Prophets Minutes, April 15, 1868, 1, published in Elden J. Watson, ed., *Brigham Young Addresses, 1865–1869*, vol. 5 (Salt Lake City: Elden J. Watson, 1982). It should be pointed out that in 1830 Brigham Young was not yet affiliated with the restored Church of Christ (he joined in 1832), so he was probably relating information he heard from Joseph Smith or someone else present in 1830.

48. The official minutes note that this first conference was convened “according to the Church Articles and Covenants.” *Far West Record*, 1, published in Donald Q. Cannon and Lyndon W. Cook, eds., *Far West Record: Minutes of The Church of Jesus Christ of Latter-day Saints, 1830–1844* (Salt Lake City: Deseret Book, 1983), 1.

49. Oliver Cowdery took the minutes of the June 1830 conference because he was serving as Church recorder at the time. A retained copy is in the *Far West Record*, 1. See Cannon and Cook, *Far West Record*, 2.

50. At least three of the ten licenses issued on June 9, 1830, still exist, and they all refer to the authority of the Articles and Covenants. See Joseph Smith Sr. priest license, June 9, 1830, Joseph Smith Papers, LDS Church Archives (fig. 4 herein); John Whitmer elder license, June 9, 1830, Western Americana Collection, Beinecke Rare Book and Manuscript Library, Yale University; and Christian Whitmer teacher license, June 9, 1830, Western Americana Collection, Beinecke Rare Book and Manuscript Library.

51. Both of the earliest manuscript copies of D&C 20 (the Watters-Daily document and a copy made by John Whitmer for Zebedee Coltrin) refer to the Prophet Joseph Smith as “Joseph the Seer.”

52. Earlier versions (both manuscript and published) read simply “an elder.” Joseph Smith’s unique position and calling as “first elder” was clarified in the 1835 D&C. It should be noted that the priesthood licenses issued at the first conference of elders, held June 9, 1830, specifically designated that Joseph was the First Elder and Oliver Cowdery was the Second. See Joseph Smith Sr. (fig. 4), John Whitmer, and Christian Whitmer priesthood licenses, as cited in note 49 above.

53. The dependence of Doctrine and Covenants 20:75–79 on Moroni 4–6 is apparent. In the first printing of Doctrine and Covenants 20 in the 1831 *Painesville Telegraph*, the text explicitly states: “And the manner of baptism and the manner of administering the Sacrament are to be done *as is written in the Book of Mormon*” (emphasis added). See Anderson, “The Organization Revelations,” 121n26. As in the 1830 edition, other early sources for Doctrine and Covenants 20 simply refer the reader to “Book of Mormon, 575,” in lieu of quoting the wording of the Book of Mormon prayers, or they place the material from Moroni 4–5 and 3 Nephi 11 in quotation marks. See Woodford, “The Historical Development of the Doctrine & Covenants,” 343. These factors confirm that Doctrine and Covenants 20:75–79 was composed intentionally as a reiteration of Moroni 4–5. See further, John W. Welch, “From Presence to Practice: Jesus, the Sacrament Prayers, the Priesthood, and Church Discipline in 3 Nephi 18 and Moroni 2–6,” *Journal of Book of Mormon Studies* 5, no. 1 (1996): 119–39.

54. See 1839 Draft History, 23; and Jessee, *Papers of Joseph Smith*, 1:259–60. This draft material, with some editing, was copied into the Manuscript History of the Church, Book A-1, 50–51. See Jessee, *Papers of Joseph Smith*, 1:319–20. It also appears in a slightly edited version in *History of the Church*, 1:104–5.

55. See Daniel G. Reid, ed., *Dictionary of Christianity in America* (Downer's Grove, Ill.: InterVarsity Press, 1990), s.v. "Conversion Narratives." See also Edmund S. Morgan, *Visible Saints: The History of a Puritan Idea* (Ithaca and London: Cornell Paperbacks, Cornell University Press, 1965), 88–92; and Patricia Caldwell, *The Puritan Conversion Narrative: The Beginnings of American Expression* (Cambridge: Cambridge University Press, 1983).

56. 1833 Book of Commandments 24:30; current D&C 20:37. The Watters-Daily manuscript reads, "and truly manifest by their works that they have received the Spirit unto the remission of their sins."

57. Manuscript History of the Church, Book A-1, 50–51; published in *History of the Church*, 1:105. Oliver was obviously concerned that the offending phrase legitimized a form of priestcraft in the restored Church and that it was not in harmony with the restored gospel. Cowdery's passionate misinterpretation was unwarranted given that the Book of Mormon presents a similar doctrinal statement concerning baptism. See the prophet Moroni's teachings on baptism in the 1830 Book of Mormon, Moroni 6 (p. 576); current Moroni 6:1–4.

58. The Prophet's letter to Oliver Cowdery is presently unlocated, but was summarized in his 1839 Draft History, 23; and Jessee, *Papers of Joseph Smith*, 1:260. This draft material, with some editing, was used in the Manuscript History of the Church, Book A-1, 51. See Jessee, *Papers of Joseph Smith*, 1:320. It also appears in a slightly edited version in *History of the Church*, 1:105.

59. 1839 Draft History, 23, and Manuscript History of the Church, Book A-1, 51. Published in Jessee, *Papers of Joseph Smith*, 1:260, 320.

60. As with the June conference, Oliver Cowdery, serving as Church recorder, took the minutes for the second conference. A retained copy of the minutes is in Far West Record, 2. See Cannon and Cook, *Far West Record*, 3.

61. 1839 Draft History, 25; and Jessee, *Papers of Joseph Smith*, 1:263. This draft material, with some editing, was copied into the Manuscript History of the Church, Book A-1, 53–58. See Jessee, *Papers of Joseph Smith*, 1:322–23. It also appears in a slightly edited version in *History of the Church*, 1:109–15.

62. More than four years later, in December 1834, after being set apart as Assistant President of the Church, Oliver Cowdery elaborated on the "power and authority" of the office of Church President. Oliver explained, "The office of the President [of the Church] is to preside over the whole Church; to be considered as at the head; to receive revelations for the Church; to be a Seer, Revelator and Prophet, having all the gifts of God:—taking Moses for an ensample." See Oliver Cowdery, "Unfinished Manuscript History," December 5–6, 1834, in Manuscript History of the Church, Book A-1, 17 (first numbering); and Jessee, *Papers of Joseph Smith*, 1:21.

63. Far West Record, 2; Cannon and Cook, *Far West Record*, 3.

64. In April 1974, Woodford, a Church Educational System instructor, completed his massive 1,900-page dissertation at Brigham Young University entitled "The Historical Development of the Doctrine and Covenants." Woodford later privately published a limited edition of this three-volume work. At the core of his meticulous study was a section-by-section examination of the textual variants in each revelation in the Doctrine and Covenants. Woodford compared all known manuscripts, early Church publications, and English language editions of the Book of Commandments and Doctrine and Covenants.

65. Portions of Cowdery's Articles were either direct revelation to Oliver, quoted or paraphrased material from the Book of Mormon manuscript, or ideas influenced by modern revelation given to the Prophet Joseph Smith. Citations to the 1829–1830 printer's manuscript (Community of Christ Archives) are used here for comparison, since the relevant parts of the original (LDS Church Archives) are no longer extant. The transcription presented herein corrects Woodford's transcription errors and adds extensive textual annotations. Additional articles dealing with the relationship of this manuscript to the organization of the Church and D&C section 20 are: Woodford, "Historical Development," 1:287–93; Bushman, *Beginnings of Mormonism*, 156–57, 166–67; Whittaker, "Articles of Faith," 64–66; Anderson, "The Organizational Revelations," 109–23; and Robert J. Woodford, "The Articles and Covenants of the Church of Christ and the Book of Mormon," in *Sperry Symposium Classics: The Doctrine and Covenants* (Provo, Utah, and Salt Lake City: Religious Studies Center, Brigham Young University, and Deseret Book, 2004), 103–16. Appreciation is given to Robert J. Woodford, Ronald O. Barney, and Steven R. Sorensen for their assistance in understanding this important document and its historical background.

66. There are 1,444 words in Cowdery's Articles; page one has 522 words, page two has 521 words, and page three has 401 words.

67. Manuscript History of the Church, Book A-1, 205–8; Jessee, *Papers of Joseph Smith*, 1:374–78; *History of the Church*, 1:260–64.

68. Ryder's ordination was recorded in the Far West Record, 6. See Cannon and Cook, *Far West Record*, 9.

69. Later in life, Symonds Ryder explained that when Joseph Smith and the other Church authorities went up to Zion (Jackson County, Missouri) in 1831, they "left their papers behind." Without directly identifying himself as one of the "new converts," Symonds described how the "new converts [took] an opportunity to become acquainted with the internal arrangement of their church." Symonds Ryder to A. S. Hayden, February 1, 1868, published in A. S. Hayden, *Early History of the Disciples in the Western Reserve, Ohio* (Cincinnati: Chase & Hall Publishers, 1876), 221. In addition to Oliver Cowdery's 1829 articles, Symonds Ryder had in his possession copies of the following manuscript revelations: D&C 20, 35, 36, 42, 52, and 56. This listing was noted by Church archivist Earl Olson in his May 27, 1964, typewritten notation on William D. Daily's September 27, 1960, statement.

70. These documents are now at the LDS Church Archives. Further information on the finding and subsequent donation of these documents is in William D. Daily, Statement, September 27, 1960, in author's possession (see note 97); Woodford, "Articles and Covenants," 262–63; and Scott H. Faulring, "Symonds Ryder," *Mormon History Association Newsletter*, no. 103 (fall 1996): 3–5. The specific details about the documents being found by the Ryder family tightly rolled up in a linen handkerchief in a dresser drawer is from a personal telephone conversation between the author and Mr. Wayne E. Watters and his wife, Virginia (she is the descendant of Symonds Ryder), on October 2, 1996. Notes of conversation in author's possession.

Oliver composed these articles either at the Joseph Smith Sr. residence in Manchester, New York, or at the Peter Whitmer Sr. home in Fayette, New York. The Church acquired the document in 1960. On September 27, 1960, William D.

Daily, a Latter-day Saint serviceman stationed at the Ravenna Arsenal, made the following statement:

The enclosed writings were given to William D. Daily and his family on the night of 26 September 1960 by Mr. Wayne E. Watters, the principal of the Ravenna City High School, Ravenna, Ohio. Mr. Watters lives at 7101 State Rt. 44, Ravenna Ohio.

Mrs. Watters' great-great grandfather was Symonds Ryder. It was in his belongings that these writings were found. They were found about 2 years ago rolled in a linen cloth. The Watters pressed them in books and have held them in a pressed condition until they were delivered to me on the above date. . . .

[signature over typed name]

William D. Daily

(Elder)

Quarters "Q" RD2

Ravenna, Ohio

Later in the 1960s, after Cowdery's three-page Articles manuscript was returned to the Church by Symonds Ryder's descendants, the archivists filed it in the LDS Church Archives' Revelations Collection. Earl Olson, an LDS Church archivist, mistakenly cataloged the Articles as two separate documents. In a typewritten note appended to William D. Daily's September 1960 statement, Olson described the first two pages of the Articles as "A supposed revelation to Oliver Cowdery, beginning: 'A commandment from God unto Oliver how he should build up his Church.'" This manuscript leaf, written on both sides, had become separated from the other half of the sheet and did not identify Cowdery as the author. The first two pages of the Articles were filed in the "Unpublished Revelations" section of the Revelations Collection and assigned a "ca. 1830" date. The other half, the third page with a blank reverse side, had the year 1829 written on it, but it was not included in the Revelations Collection. Olson described this page as simply "A supposed revelation to Oliver Cowdery, 1829, beginning: 'And now I speak unto the Church.'" Cowdery's Articles document, recently deacidified and reattached, has since been moved to a collection of Oliver Cowdery's personal papers. A photocopy of William D. Daily's statement is in the author's possession.

71. Compare with Book of Commandments 15:4. See also 1835 D&C 43:1 and current D&C 18:5.

72. The phrase "my church, my gospel, and my rock" is in Book of Commandments 15:3. See also 1835 D&C 43:1 and current D&C 18:4–5.

73. First published in Book of Commandments 15:5. A descriptive summary of the revelation's contents is included in the chapter heading to Book of Commandments 15 and reads in part "and also, instructions relative to building up the church of Christ, according to the fulness of the gospel." This revelation was received by June 14, 1829, as evidenced by Oliver Cowdery using excerpts of the revelation in a letter written that day to Hyrum Smith from Fayette, New York. A retained copy of the letter is found in Joseph Smith Letterbook 1:5–6, Joseph

Smith Collection, LDS Church Archives. See also 1835 D&C 43:2 and current D&C 18:6.

74. Compare with Book of Commandments 15:11. See also 1835 D&C 43:3 and current D&C 18:9.

75. Compare with Book of Mormon Printer's Manuscript, 381; published in *The Printer's Manuscript of the Book of Mormon*, ed. Royal Skousen, 2 vols. (Provo, Utah: Foundation for Ancient Research and Mormon Studies, Brigham Young University, 2001), 2:813 (hereafter cited as Skousen, *Printer's Manuscript*); and 1830 Book of Mormon, [3rd] Nephi, chapter 5 (p. 478). See current 3 Nephi 11:23 and D&C 20:37.

76. Compare with Printer's Manuscript, 381; published in Skousen, *Printer's Manuscript*, 2:813; 1830 Book of Mormon, [3rd] Nephi, chapter 5 (p. 478); current 3 Nephi 11:23–27. The Printer's Manuscript that corresponds to 3 Nephi 11:25 reads: “~~having authority~~ <Having authority> given me of Jesus Christ.” This change, which only adds capitalization, is in Oliver Cowdery's handwriting; it appears from the similar ink color to be contemporary (ca. second half of 1829). It is not known whether the capitalization of *having* first occurred with Cowdery's Articles or the Printer's Manuscript or the no longer extant original Book of Mormon dictation manuscript. Compare Alma's prior usage of “having authority” (second century BC) in his earlier form of the baptismal prayer: Printer's Manuscript, 145; published in Skousen, *Printer's Manuscript*, 1:341; 1830 Book of Mormon, Mosiah, chapter 4 (p. 192); and current Mosiah 18:13. All of the earliest manuscript copies of the Articles and Covenants use the Book of Mormon phraseology “Having authority given me of Jesus Christ” from the baptismal prayer form given by the Savior when he appeared to the Nephites in Bountiful. Printer's Manuscript, 381; published in Skousen, *Printer's Manuscript*, 2:813; 1830 Book of Mormon, [3rd] Nephi, chapter 5 (p. 478); current 3 Nephi 11:25. The wording was modified by the Prophet Joseph Smith when the Articles and Covenants was published in the 1835 D&C (2:22) and reads “Having been commissioned of Jesus Christ.” The wording in the current D&C 20:73 is the same as in the 1835 D&C.

77. Compare with Printer's Manuscript, 454; published in Skousen, *Printer's Manuscript*, 2:959; 1830 Book of Mormon, Moroni, chapter 3 (p. 575); and current Moroni 3:4. Similar wording is used in the current D&C 20:60.

78. Parentheses enclose “or if he be a teacher” in 1830 Book of Mormon, Moroni, chapter 3 (p. 575); the same words are also enclosed in the current Moroni 3:3. The Printer's Manuscript, 454, does not use parentheses for this phrase. Published in Skousen, *Printer's Manuscript*, 2:959.

79. This part of the paragraph is also based upon material found in Printer's Manuscript, 454; published in Skousen, *Printer's Manuscript*, 2:959; 1830 Book of Mormon, Moroni, chapter 3 (p. 575); and current Moroni 3:3. Joseph Smith, in composing the Articles and Covenants for the Church in mid-1830, did not give defined wording for priesthood ordinations. This direction of the Prophet harmonized with the last sentence of the 1830 Book of Mormon, Moroni, chapter 3 (p. 575), indicating that priesthood ordinations were to be given “by the power of the Holy Ghost, which was in them.” See current D&C 20:60 and Moroni 3:4.

80. Printer's Manuscript, 392–93; published in Skousen, *Printer's Manuscript*, 2:835–36; 1830 Book of Mormon, [3rd] Nephi, chapter 8 (p. 492); and current 3 Nephi 18:22, 30, 32 describe the Savior teaching the Nephites that Church

members should not cast out the weak in faith unless those lacking in testimony refuse to repent.

81. The phrase “And the Church shall oft partake of bread and wine” is paraphrased from Printer’s Manuscript, 455; published in Skousen, *Printer’s Manuscript*, 2:960; 1830 Book of Mormon, Moroni, chapter 6 (p. 576); and current Moroni 6:6. See also current D&C 20:75.

82. The wording varies slightly between the current editions of the Book of Mormon and the Doctrine and Covenants. The current Moroni 4:3 reads “hath,” while D&C 20:77 reads “has.”

83. Compare with Printer’s Manuscript, 454; published in Skousen, *Printer’s Manuscript*, 2:959; 1830 Book of Mormon, Moroni, chapter 4 (p. 575); and current Moroni 4:3. See also current D&C 20:77.

84. Compare with Printer’s Manuscript, 454; published in Skousen, *Printer’s Manuscript*, 2:959; 1830 Book of Mormon, Moroni, chapter 4 (pp. 575–76); and current Moroni 5:1–2. See also current D&C 20:78–79.

85. The phrase “I give unto you a commandment” appears to be a paraphrase by Oliver. Printer’s Manuscript, 392 (published in Skousen, *Printer’s Manuscript*, 2:835) reads: “& now behold this is the commandment which I give unto you.” All published sources follow the printer’s manuscript wording.

86. Compare with Printer’s Manuscript, 392–93; published in Skousen, *Printer’s Manuscript*, 2:835–36; 1830 Book of Mormon, [3rd] Nephi, chapter 8 (p. 492); and current 3 Nephi 18:28–33.

87. A similar warning, given to the latter-day Gentiles by the Lord through the prophet Mormon, is in Printer’s Manuscript, 410; published in Skousen, *Printer’s Manuscript*, 2:870; 1830 Book of Mormon, [3rd] Nephi, chapter 14 (p. 513); and current 3 Nephi 30:2.

88. Identical wording of the phrase “Repent all ye ends of the Earth and come unto me and be baptized in my name” is found in Printer’s Manuscript, 406; published in Skousen, *Printer’s Manuscript*, 2:862; 1830 Book of Mormon, [3rd] Nephi, chapter 12 (p. 508); and current 3 Nephi 27:20. See also current Ether 4:18 and Moroni 7:34.

89. The block beginning “which is Jesus Christ” is from Book of Commandments 15:23–26. See 1835 D&C 43:4 and current D&C 18:22–25.

90. This material is paraphrased from Book of Commandments 15:34. See 1835 D&C 43:5 and current D&C 18:31.

91. The wording here is from another modern revelation also received in June 1829 and first published in the 1835 D&C 42:3; see current D&C 17:8. The phrase “my grace is sufficient for you” is actually found in both June 1829 revelations; see current D&C 17:8 and 18:31.

92. This material is nearly verbatim from the earliest revelation given on Oliver’s behalf through the Prophet Joseph Smith in April 1829. See Book of Commandments 5:10; 1835 D&C 8:10; and current D&C 6:21. The phrase “Behold I am Jesus Christ the Son of the liveing God I am the same which came unto my own and my own received me not” is also a direct quote of Printer’s Manuscript, 378; published in Skousen, *Printer’s Manuscript*, 2:807; 1830 Book of Mormon, [3rd] Nephi, chapter 4 (p. 473); and current 3 Nephi 9:15, 16.

93. This phrase is from material later published in Book of Commandments 15:37; 1835 D&C 43:5; and current D&C 18:34.

94. This phrase is an expanded form of Book of Commandments 9:19; 1835 D&C 36:18; and current Doctrine and Covenants 10:70. The Savior's voice, just prior to his postmortal ministry to the people of Nephi in the land Bountiful, testified that he was "the light and the life of the world" similar to the phrase quoted here. See Printer's Manuscript, 378; published in Skousen, *Printer's Manuscript*, 2:807; 1830 Book of Mormon, [3rd] Nephi, chapter 4 (p. 473); and current 3 Nephi 9:18. This description of the Savior is also found in other places in the Book of Mormon (Mosiah 16:9, Alma 38:9, 3 Nephi 11:11, and Ether 4:12).

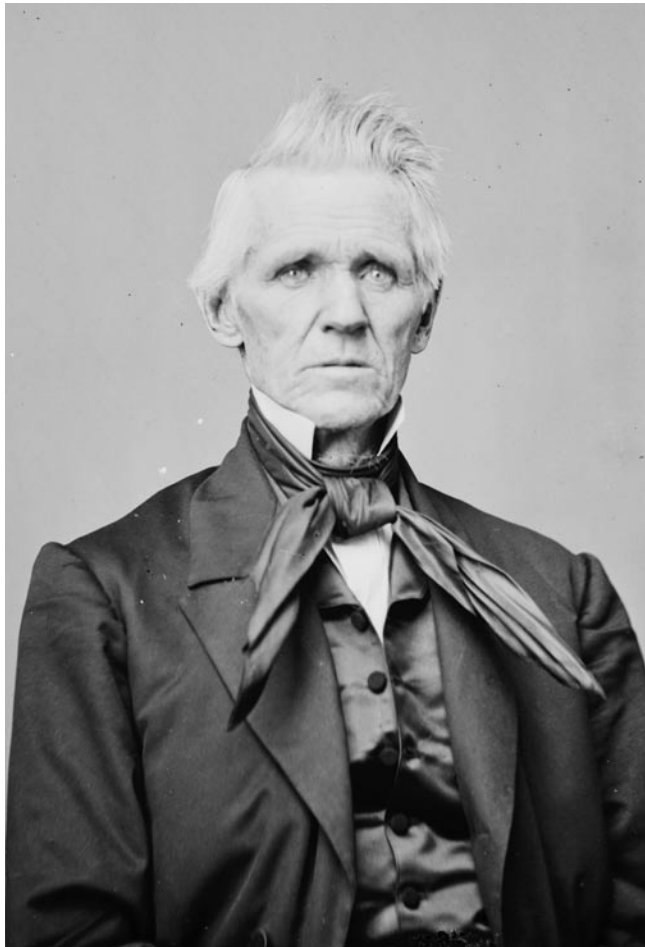
95. This material is paraphrased from Book of Commandments 15:50; 1835 D&C 43:7; and current D&C 18:47.

96. Paraphrased from Printer's Manuscript, 436; published in Skousen, *Printer's Manuscript*, 2:922; 1830 Book of Mormon, Ether, chapter 2 (p. 548); and current Ether 5:6.

97. The same phrase "Now may the grace of God the Father and of our Lord Jesus Christ be and abide with you all" is used by Oliver Cowdery in his June 14, 1829, letter to Hyrum Smith. See retained copy in Joseph Smith Letterbook 1:6 (5–6), Joseph Smith Collection, LDS Church Archives.

98. The wording here about "a burning fire shut up in my bones" and so forth is paraphrased from Jeremiah 20:9. Ezra Booth, who apostatized from the Church in fall 1831, was shown this document (presumably by fellow dissident Symonds Ryder who allegedly took it from Church headquarters during summer 1831), and he (Booth) quoted this paraphrase of Jeremiah in one of his letters critical of Mormonism that was published in an Ohio newspaper. See Ezra Booth to Rev. I. Eddy, Letter 8, November 29, 1831, "Mormonism," *The Ohio Star*, December 8, 1831, 1.

99. The "&c." (for "etc.") has been misread as being "O.C.," Oliver Cowdery's initials, but careful examination of the original manuscript confirms the reading of "&c."



Courtesy Library of Congress

FIG. 1. Austin A. King, photo taken between 1855 and 1865. In 1838, King, as Judge of the Missouri Fifth Circuit Court, presided at the Criminal Court of Inquiry of Joseph Smith and others on charges of treason.

Joseph Smith and the Missouri Court of Inquiry

Austin A. King's Quest for Hostages

Gordon A. Madsen

On November 1, 1838, the Mormon settlement at Far West, Caldwell County, Missouri, was surrounded by state militia troops commanded by Generals Samuel D. Lucas and Robert Wilson. Mormon leaders Joseph Smith, Hyrum Smith, Sidney Rigdon, Parley P. Pratt, Lyman Wight, George Robinson, and Amasa Lyman were taken prisoner, and a court-martial was promptly conducted. General Lucas pronounced a sentence of death on all the prisoners, to be carried out the following morning, November 2, in the Far West town square. General Lucas contended that the infamous order of Missouri Governor Lilburn W. Boggs, issued to drive the Mormons from the state or, in the alternative, to “exterminate them,” granted him such authority. Brigadier General Alexander W. Doniphan (fig. 2), to whom the order pronouncing sentence was directed and who was an attorney by profession, refused the order, calling it “cold-blooded murder,” and threatened to hold Major General Lucas personally responsible if it were carried out. It was not. Instead, Lucas and Wilson transported their prisoners first to Independence, Jackson County, and then to Richmond, Ray County.¹

On November 4, General John B. Clark, who was the overall commander of the Missouri militia, arrived at Far West. There he joined the approximately 1,600 men of his command to the portion of the militia Lucas and Wilson had left behind. In his report to Governor Boggs, dated November 29, 1838, General Clark stated:

I then caused the whole of the Mormons [except those seven leaders already removed by Lucas and Wilson] to be paraded, and selected such as thought ought to be put on their trial before a committing Magistrate, and put them in a room until the next morning, when I took up



FIG. 2. Alexander Doniphan, photo taken between 1844 and 1860. Brigadier General Doniphan was a friend and defender of the Mormons in Missouri and served as lead counsel for Joseph Smith and other defendants at the Court of Inquiry.

the line of march for Richmond, with the whole forces and prisoners, 46 in number . . . and applied to the Hon. A. A. King to try them. He commenced the examination immediately after the defendants obtained counsel. . . . The inquiry, as you may well imagine, took a wide range, embracing the crimes of Treason, Murder, Burglary, Robbery, Arson and Larceny.²

Thus commenced the Criminal Court of Inquiry before Austin A. King (fig. 1) in Richmond, Missouri, beginning November 12, 1838, and running through November 29. King was Judge of the Missouri Fifth Circuit Court, which included Livingston, Carroll, Ray, Clay, Clinton, Daviess, and Caldwell counties. It was this hearing that

led to the imprisonment of Joseph Smith, Hyrum Smith, Lyman Wight, Alexander McRae, and Caleb Baldwin in the jail at Liberty, Clay County (fig. 3), on charges of treason. They were held at Liberty Jail until April 1839, when they were taken to Daviess County and indicted by a grand jury. A change of venue order transferred them to Boone County for trial. While en route to Boone County they escaped.³

At one end of the spectrum concerning the legitimacy of this November 1838 hearing, Hyrum Smith referred to it as a “pretended court.”⁴ At the other end, some writers have called it a reasonable hearing, fairly reported; they fully justify Judge King’s order to hold the prisoners on charges of treason.⁵ The Joint Committee of the Missouri legislature (which ultimately had the transcript of the evidence published) in the opening paragraphs of its report discounted the evidence as follows:

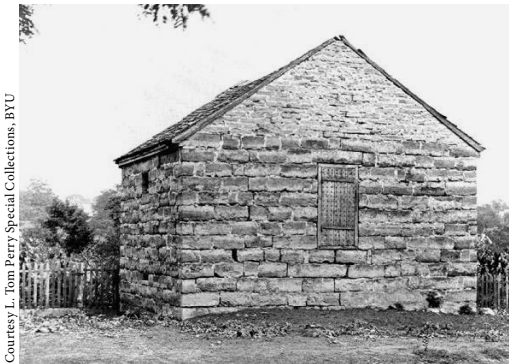
They consider the evidence adduced in the examination there held, in a great degree *ex parte* [one-sided], and not of the character which should be desired for the basis of a fair and candid investigation.

Moreover, the papers, documents, &c., have not been certified in such a manner, as to satisfy the committee of their authenticity.⁶

To my knowledge, no one thus far has examined the transcript of the evidence in light of the law in force at the time to judge whether or not this Criminal Court of Inquiry met the legal standard of that day in charging the defendants with treason and referring them to a grand jury. This article is an effort to do just that. I will rely primarily upon two printed documents, both of which are records of the Criminal Court of Inquiry. The first, cited as *U.S. Senate Document*, was published by order of the U.S. Senate on February 15, 1841.⁷ It contains only the testimony of the witnesses. The second, cited as *Missouri General Assembly Document*, was printed later that same year pursuant to a resolution of the Missouri Legislature.⁸ It contains the testimonies but is prefaced by correspondence, orders between the militia generals and the governor and others leading up to the hearing, affidavits, and other documents related to subsequent proceedings.

This article is not an effort to explore the causes and circumstances that led to the confrontation and surrender at Far West, but, for those unacquainted with that background, a brief summary should suffice: Mormons began arriving in Missouri in significant numbers in 1833, settling first in Jackson County but soon being driven by the older settlers into neighboring Clay, Ray, and Clinton Counties. When the Missouri Legislature in 1836 created a new county named Caldwell, north of Clay County, Mormons congregated there in what was to be a predominantly Mormon

county, Far West being the principal town. Mormons also settled in Daviess and neighboring counties. In August 1838, following a brawl at Gallatin, the Daviess County seat, over an effort to prevent the Mormons from voting in the general election, non-Mormon settlers collected into quasi-military groups and marauded through Daviess and Caldwell Counties, leading ultimately to the surrender of Far West, the court-martial



Courtesy L. Tom Perry Special Collections, BYU

FIG. 3. Liberty Jail, Clay County, Missouri. Joseph Smith, Hyrum Smith, Lyman Wight, Alexander McRae, and Caleb Baldwin (and, for a short time, Sidney Rigdon) spent the winter of 1838–1839 here awaiting a formal trial on charges of treason.

and Court of Inquiry against Joseph Smith and his companions, and the expulsion of six to eight thousand Mormons from Missouri.⁹

Procedure in the 1838 Court of Inquiry

What was a “Court of Inquiry”? It would be known today as a preliminary hearing. It is the first hearing in a criminal case, conducted before a judge whose duty is to determine whether a crime has been committed and whether there is probable cause to believe that the person or persons brought before the court committed the crime.¹⁰ The parties charged must be present during all stages of the proceeding¹¹ and are entitled to legal counsel, who may cross-examine the witnesses.¹² The prosecutor is obliged to present at least enough evidence to establish the probable cause. He does not need to provide sufficient evidence to convince beyond a reasonable doubt. If the judge determines that the probable cause has been sufficiently shown and that the defendants are sufficiently connected to the alleged offense, he then “binds over” those defendants. If the offense is one for which the law permits a bail, the defendants and their bondsmen are recognized: put under oath and “bound over” to appear before a grand jury or to stand trial in the appropriate court. A written bond in a specified dollar amount is executed at that time by each defendant and his two bondsmen and filed with the court.¹³ If the offense charged is not bailable, the defendants are committed to jail to await grand jury proceedings and/or trial.¹⁴ The judge conducting the Court of Inquiry is required to reduce the testimony presented before him to writing, and the record is required to contain all the evidence, brought out on direct and cross-examination both tending to innocence and guilt.¹⁵

In U.S. courts prior to the Civil War, there were no court reporters, as they are known today. “Shorthand” or some form of condensed or brief writing goes back at least to ancient Greece. Isaac Pitman was the first person to popularize a form of phonetic symbols and abbreviations which came to be called shorthand and which found wide adoption in Britain and America. His *Stenographic Sound Hand* was first published in 1837 in England.¹⁶ There is no evidence, however, that it was in use in Missouri courts by November 1838.

Instead, the process then in use for preserving and reducing to writing testimony at hearings and trials was by *recognizance*. The word had two meanings in the law. Both involved giving a sworn (usually written) statement before a judge. The first was a promise under oath given by a party or a witness in a civil or criminal action agreeing to appear at a future time set for the trial of the matter. The second was the reducing of testimony

to writing, usually after the witness had given that testimony before the judge. The judge, or more often his clerk or designee, would write it, and the witness would read it, swear to its truthfulness, and sign it.¹⁷ If the witness was illiterate, the writing would be read to him and he would subscribe the writing with his mark. Seven of the witnesses in the Richmond Court of Inquiry fixed their “X” to their written testimony.¹⁸

The written testimony must contain testimony that was brought out on cross-examination as well as testimony produced by the prosecutor’s questions. In the case of the November 1838 Court of Inquiry, no testimony adduced from cross-examination and no questions from Judge King and answers thereto are in the record. Parley Pratt later testified of one such example of testimony not included in the record:

During this examination, I heard Judge King ask one of the witnesses, who was a “Mormon,” if he and his friends intended to live on their lands any longer than April, and to plant crops? Witness replied, “Why not?” The judge replied, “If you once think to plant crops or to occupy your lands any longer than the first of April, the citizens will be upon you; they will kill you every one—men, women and children, and leave you to manure the ground without a burial. They have been mercifully withheld from doing this on the present occasion, but will not be restrained for the future.”¹⁹

Originally, fifty-three Mormons, including Joseph and Hyrum Smith, were arrested and transported by Generals Wilson, Lucas, and Clark to Richmond. During the hearing, eleven more defendants were added: five during the testimony of the tenth witness;²⁰ two between the testimony of the seventeenth and eighteenth witnesses;²¹ and two following the testimony of the twenty-eighth witness.²² Morris Phelps and James H. Rollins never were named as defendants but were nonetheless bound over by Judge King’s order, discussed below.²³

Forty-one witnesses for the prosecution are named, but both the *U.S. Senate Document* and the *Missouri General Assembly Document* contain testimony from only thirty-eight.²⁴ At the conclusion of the evidence, Judge King made the following order:

There is probable cause to believe that Joseph Smith, jr., Lyman Wight, Hiram Smith, Alex. McRay and Caleb Baldwin are guilty of overt acts of Treason in Daviess county, (and for want of a jail in Daviess county,) said prisoners are committed to the jail in Clay county to answer the charge aforesaid, in the county of Daviess, on the first Thursday in March next. It further appearing that overt acts of Treason have been committed in Caldwell county, and there being probable cause to believe Sidney Rigdon guilty thereof, the said Sidney Rigdon (for want of a sufficient jail in Caldwell county) is committed to the jail in Clay county

to answer said charge in Caldwell county, on the first Monday after the fourth Monday in March next. It further appearing that the murder of Moses Rowland, has been perpetrated in the county of Ray, and that there is probable cause to believe that Parley P. Pratt, Norman Shearer, Darwin Chase, Lyman Gibbs, and Maurice Phelps, are guilty thereof. They are therefore committed to Ray county jail, to answer said charge, on the second Monday in March next.²⁵

Judge King then found probable cause to bind over twenty-three of the remaining defendants on charges of “Arson, Burglary, Robbery and Larceny” in Daviess County.²⁶ He then found no probable cause against six defendants, having earlier dismissed twenty-three of their fellow accuseds between the testimony of the thirty-third and thirty-fourth witnesses.²⁷ One defendant, William Whitman, was neither bound over nor dismissed in the order but is referred to later in the same document as among the number who were recognized and posted bond.²⁸ Presumably he, too, was actually charged with “Arson, Burglary, Robbery and Larceny” in Daviess County like the others, even though the record is silent.

Tramplng the Defendants’ Right of Due Process

Law is generally subdivided into two categories: “substantive” and “procedural.” Substantive law in the criminal arena is the law that defines and details the elements of a crime and the issues and facts needed to be proved in a trial to secure a conviction. Procedural law is made up of the statutes and rules that control the way the court must proceed in conducting the trial or hearing. Those statutes and rules which protect the rights of the parties involved in trials are also referred to as “due process” and are designed to protect what we call constitutional rights. They are the procedural requirements that guarantee a fair trial to accused defendants in criminal matters. While the U.S. Constitution in its first ten amendments spells out those rights, the individual state statutes and court-adopted rules or practice implement and enforce those fundamental principles enumerated in the Constitution. The statutes cited earlier in this article are examples of the Missouri law in force in 1838 that spell out the constitutional or due process rights of Joseph Smith and his associates mandated for the hearing before Judge King. The substantive law that applies to the hearing will be treated later in this article.

Under the Missouri law then in force, criminal actions were commenced by a party (the “complainant”) going before a magistrate (a judge or justice of the peace) and giving sworn testimony about a crime.²⁹ The magistrate then prepared a warrant “reciting the accusation” and issued it to an officer, directing him to arrest the defendant.³⁰ The arrested accused

was then brought before the magistrate by the officer, and the warrant was endorsed and returned to the magistrate.³¹

In the case of Joseph Smith and his associates, none of that procedure was followed. No complainant appeared before a judge or magistrate; no warrant for arrest was ever issued or served on the sixty-four defendants; no written warrant reciting the accusation was furnished to any of them. Sidney Rigdon reported, “No papers were read to us, no charges of any kind preferred, nor did we know against what we had to plead. Our crimes had yet to be found out.”³² Lyman Wight corroborated Sidney:

Joseph Smith and myself sent for General Clark, to be informed by him what crimes were alleged against us. He came in and said he would see us again in a few minutes. Shortly he returned and said he would inform us of the crimes alleged against us by the state of Missouri.

“Gentlemen, you are charged with treason, murder, arson, burglary, larceny, theft, and stealing, and various other charges too tedious to mention at this time.”³³

Thus it was General Clark and not a magistrate who “made out charges,” not in writing, without sworn testimony and without any warrant. One is left to wonder what the other “too tedious” charges might have been or when the defendants were to be given notice of them.

Defendants, who were entitled to be present for all witnesses and to cross-examine those witnesses, were inserted into the hearing at several different points, as noted above.

Motions for separate trials were denied. Sidney Rigdon recalled, “At the commencement we requested that we might be tried separately; but this was refused, and we were all put on trial together.”³⁴

Witnesses for the defendants were intimidated and driven off.³⁵ Hyrum Smith recounts the driving off of a defense witness named Allen from the courtroom in the midst of his testimony.³⁶ Cross-examination of witnesses³⁷ and objections by counsel and comments by Judge King are also missing. For example, Parley P. Pratt noted,

This Court of Inquisition inquired diligently into our belief of the seventh chapter of Daniel concerning the kingdom of God, which should subdue all other kingdoms and stand forever. And when told that we believed in that prophecy, the Court turned to the clerk and said: “Write that down; it is a strong point for treason.” Our lawyer observed as follows: “Judge, you had better make the Bible treason.” The Court made no reply.³⁸

Failure to record objections of counsel and comments of the court leaves an incomplete record to be examined on appeal (or by the Legislature, in

this instance) and can lead to inferences on appeal that the evidence, not being objected to, was properly admitted into the record.

As noted earlier, the right of defendants to be present for the testimony of all witnesses, the right to cross-examine all witnesses, the right to be tried separately, the right to be advised at the outset of the specific charges levied against them, the right to call witnesses to testify on their behalf without intimidation, and the right to make objections during the hearing were all established and guaranteed by *The Revised Statutes of the State of Missouri, 1835* (cited in notes 10–15) as well as relevant provisions of the Missouri and U.S. Constitutions.

When a judge elects to try sixty-four defendants on multiple charges, as Judge King did, the trampling of due process would seem inevitable. Some glaring denials of those rights follow.

Morris Phelps,³⁹ a Mormon, agreed to testify for the state. He was the prosecution's fifth witness, was excused, and then at the end of the hearing was charged with murder along with Parley P. Pratt and three others. Through the whole hearing he was never identified as a defendant, never afforded counsel, never given opportunity to cross-examine a single witness. It would appear that his testimony was not satisfactory to the prosecutors.⁴⁰ One also has to conclude, among other things, that "turning state's evidence" to be granted immunity from prosecution was hardly the same in 1838 Missouri as it is understood today.

James H. Rollins, like Morris Phelps, was never made a defendant throughout the record but was for the first time named in Judge King's order and was bound over with the other twenty-two on the "Arson, Burglary, Robbery, and Larceny . . . in Daviess County" charges. Like Phelps, he was denied all his constitutional due process rights.⁴¹

Sydney Turner, after originally being charged, is never again mentioned in the record—no witness identifies him anywhere doing anything. Nonetheless, like Rollins, he was bound over with the other twenty-two on the same charges of "Arson, Burglary, Robbery, and Larceny."⁴²

Thomas Beck or Buck,⁴³ who was listed as an original defendant, is perhaps the same person who was referred to in Sampson Avard's testimony as "Thomas Rich."⁴⁴ A Thomas Rich is bound over with the "Arson, Burglary, Robbery, and Larceny" group.⁴⁵ These are the only possible references to Thomas Beck in the record. No Thomas Rich is listed as a defendant. But whether it was Beck, Buck, or Rich, there was no incriminating evidence about him to be found.

In sum, the report of the legislative committee, quoted early in this article, that the hearing was "not of the character which should be desired for the basis of a fair and candid investigation"⁴⁶ has considerable basis in

fact as disclosed by the record. It appears that due process was not afforded to those defendants.

Presentation of the Evidence

Sampson Avarad was the founder and self-styled teacher of the Danites, a secret society of Mormons that came into being in the Missouri period. Their original purpose was to cleanse or purge Caldwell County of Mormon dissidents. Danites did carry out some marauding raids in Daviess County.⁴⁷ Avarad was first arrested with the others in Far West but claimed to have become disenchanted with Mormonism and “turned state’s evidence” and was granted immunity.⁴⁸ He was a confessed active participant in the depredations about which he testified.

The main thrust of his testimony was to maintain that he was only acting under the direction of Joseph Smith and the First Presidency of the Church, who, he said, knew about and approved all his activities, thus implicating Joseph Smith, Hyrum Smith, and Sidney Rigdon. He was the prosecution’s first and star witness. His treatment by the prosecution was in stark contrast to that afforded Morris Phelps.

Prosecution witness John Cleminson, a disenchanted Mormon and member of the Caldwell County militia, states that he “went in the expedition to Daviess in which Gallatin was burnt,⁴⁹ as I felt myself compelled to go from the regulations which had been made.” He then names who was “there” but continues:

Of the [Mormon] troops at ‘Diahmon [Adam-ondi-Ahman, which, like Gallatin, is in Daviess County, and was a Mormon town, while Gallatin was predominantly non-Mormon], in this expedition, some were sent on one expedition, and some on another; but all were there mutually to aid and assist each other in all that they undertook or did on that occasion.

When we first went to Daviess, I understood the object to be to drive out the mob, if one should be collected there; but when we got there, we found none. I then learned the object was, from those who were actively engaged in the matter, to drive out all the citizens of Daviess and get possession of their property. It was understood that they [the Missourians] burnt Mormon houses, as well as the houses of the citizens. The burning of the Mormon houses was to bring the Mormons into ‘Diahmon, as I understood it. It was said by some that the Mormons were burning their own houses, and by others, that the mob were burning them; and so much was said about it, that I did not know when I got the truth.⁵⁰

His testimony puts both Edward Partridge and David Pettegrew at Gallatin, but connects them with no specific criminal activity. No other witness puts those two at Gallatin or elsewhere in Daviess County. Both

Partridge and Pettegrew were nonetheless bound over on the “Arson, Burglary, Robbery, and Larceny” charges. Moreover, much of what Cleminson says relates to what he had been told or understood, not what he saw.⁵¹

These illustrations point out the fundamental and pervasive problem with nearly all of the testimony. Virtually none of it connects any named defendant with a specific criminal act.

Analysis of the Charge of Treason against Joseph Smith and Others

We now come to the substantive law. In order to understand the charge of treason that was lodged in the Court of Inquiry, it is necessary to survey the governing laws and statutes and to examine carefully two leading cases that define the crime of treason.

Joseph Smith, Lyman Wight, Hyrum Smith, Alexander McRae, and Caleb Baldwin were bound over to answer to the charge of treason committed in Daviess County. No date or specific set of facts appear in the court’s order. Since the only event in Daviess County on which testimony was admitted relating to criminal activities in that county was testimony which described the burning and looting of a store in Gallatin, it is necessary to examine the evidence which connects these men with that event.⁵² First, we must quote the pertinent law. The Missouri statute in force at the time provided:

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.⁵³

Specific language of statutes (and provisions of constitutions, for that matter) are, over the years, defined and interpreted by opinions of appellate courts. Those printed opinions are sometimes referred to as “case law,” and are collectively called the “common law.” The common law of England was brought to this hemisphere by the colonial courts and was the foundation of U.S. jurisprudence. Soon enough, the colonists, through the statutes enacted by their respective legislatures and decisions rendered by the judges interpreting those statutes, together with the courts’ modifications, adaptations, or rejections of the British precedents both prior to the Revolutionary War and thereafter, created a body of American case law.

Judges and attorneys turn to these accumulated opinions for the meaning of the statutes. The phrases “levying war against the same” and “giving them aid and comfort” were defined by *Blackstone’s Commentaries*, a four-volume summary treatise of the British and (in the American Editions)

the U.S. case law. Like Lincoln, a typical nineteenth-century lawyer-to-be living on the western frontier would study *Blackstone*, perhaps apprentice in an attorney's office for a period, and then with the sponsorship or recommendation of his mentor be presented to a court and admitted to the bar. *Blackstone* was the Bible of frontier lawyers and judges.

The Missouri statute quoted above is a restatement of part of the English statute on treason. *Blackstone* summarizes the case law definitions and expansions on that statute:

The third species of treason is, "if a man do levy war against our lord the king in his realm." . . . To resist the king's forces by defending a castle against them, is a levying of war: and so is an insurrection with an avowed design to pull down *all* inclosures, *all* brothels [original italics], and the like; the universality of the design making it a rebellion against the state, an usurpation of the powers of government, and an insolent invasion of the king's authority. *But a tumult with a view to pull down a particular house, or lay open a particular enclosure, amounts at most to a riot; this being no general defiance of public government.* So, if two subjects quarrel and levy war against each other, it is only a great riot and contempt, *and no treason.* Thus it happened between the earls of Hereford and Gloucester in 20 Edw. I [1292] who raised each a little army, and committed outrages upon each other's lands, burning houses, attended with the loss of many lives: yet this was held to be no high treason, but only a great misdemeanor. . . .

"If a man be adherent to the king's enemies in his realm, giving to them aid and comfort in the realm, or elsewhere," he is also declared guilty of high treason. This must likewise be proved by *some overt act*, as by giving them intelligence, by sending them provisions, by selling them arms, by treacherously surrendering a fortress, or the like. *By enemies are here understood the subjects of foreign powers with whom we are at open war.*⁵⁴

Earlier in his treatise, Blackstone emphasizes that for a person to be convicted of treason, he must have committed overt acts. After giving several examples, he concludes:

But now it seems clearly to be agreed, that, by the common law and the statute of Edward III, *words* amount only to a high misdemeanor, *and no treason.* [More examples follow.] . . . As therefore there can be nothing more equivocal and ambiguous than *words*, it would indeed be unreasonable to make them amount to high treason.⁵⁵

While the Missouri statute quoted above embodies the common law definition, there are constitutional restrictions imposed by both the United States and Missouri Constitutions which more narrowly define the crime, and Constitutional provisions prevail over statutes treating the same subject.⁵⁶ The U.S. Constitution states:

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. *No Person shall be convicted of Treason unless on the testimony of two Witnesses to the same overt Act, or on Confession in open Court.*⁵⁷

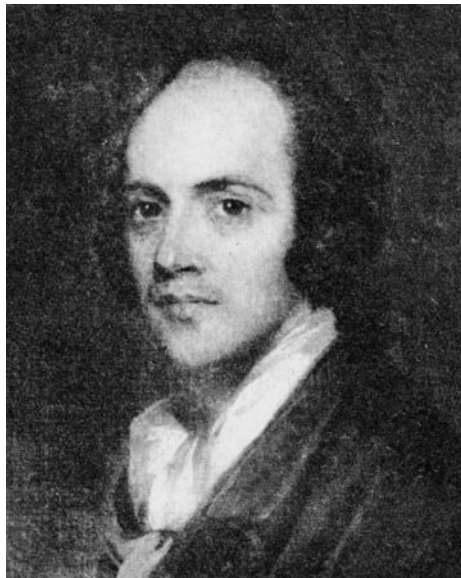
And the Missouri Constitution also states:

That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; *that no person can be convicted of treason unless on the testimony of two witnesses to the same overt act, or on his own confession in open court.*⁵⁸

The above-cited language of the national Constitution was first defined and applied in two pivotal cases that involved Aaron Burr and his associates.⁵⁹ Since those cases provide not only the applicable law but also a number of contrasts and parallels to the Austin King hearing being here discussed, their history deserves careful examination.⁶⁰

The Case of Aaron Burr: The Strict Definition of Treason. Following his duel with Alexander Hamilton and the conclusion of his term as vice president of the United States in March 1805, Aaron Burr (fig. 4) began an odyssey which became known as the “Burr conspiracy.” In this plot, as inflated by the press—an inflation aided and abetted by President Thomas Jefferson—Burr allegedly intended to liberate or “revolutionize” Spanish-owned Mexico (which included Texas, New Mexico, Arizona, California, parts of Colorado, Utah, and Nevada), sever and annex the states in the Mississippi valley from the Union, and rule over this grand empire.

Over a period of two years, he enlisted supporters, granted commissions in his proposed army, bought maps of Texas and Mexico, planned



Courtesy Library of Congress

FIG. 4. Aaron Burr. Aaron Burr was tried for treason in 1806 but was acquitted. His trial set a precedent that treason charges must fulfill certain criteria—criteria not present in the case against Joseph Smith and other Mormon leaders. Image created ca. 1899. © Small, Maynard, and Company.

campaigns for invading first Texas and then Mexico, bought arms and supplies, and contracted with Andrew Jackson and his partner to build seven barges to float his troops down the Ohio and Mississippi Rivers to New Orleans, which was to be the staging point to launch the invasion. He attempted, but failed, to obtain financing first from Great Britain⁶¹ and then from France.⁶² His initial group of approximately sixty recruits collected and drilled on an island owned by Harmann Blennerhassett, a loyal Burr associate, which island was situated in the Ohio River on the Virginia (now West Virginia) side opposite the Ohio town of Marietta. While the troops were collecting and drilling, Burr was in Nashville, Tennessee, taking delivery of two barges from Jackson and recruiting some 40 additional volunteers.⁶³

He was betrayed by General James Wilkinson, his chief co-conspirator. Actually, Wilkinson was a triple traitor. Through Burr's influence as vice president, Wilkinson had been appointed both commander of all U.S. troops west of the Appalachian Mountains and governor of the northern unit of the Louisiana Purchase known as the District of Louisiana, headquartered at St. Louis.⁶⁴ He was also a secret agent in the employ of the Spanish government, a fact not proved until after his death.⁶⁵ He first betrayed Burr by sending a letter to President Thomas Jefferson exposing the plot (omitting, of course, his own involvement).⁶⁶ Later, he transmitted U.S. secrets to Spain, and later still, when the Spanish government refused to pay his bill for \$121,000, he turned on Spain as well.⁶⁷

Upon receiving Wilkinson's letter, Jefferson issued a proclamation which was circulated to all civil and military authorities and released to the press. It declared that a treasonous conspiracy was underfoot, ordered any and all conspirators or their supporters to cease on penalty of incurring "all the rigors of the law," and required all "officers, civil and military, of the United States, or any of the states or territories . . . to be vigilant in searching out, and bringing to condign [deserved, merited] punishment, all persons . . . engaged in such enterprize."⁶⁸ Several newspapers had for several previous months been printing rumors of the Burr conspiracy, and these papers trumpeted Jefferson's proclamation as confirmation of their speculations.

Blennerhassett and his sixty started down the Ohio River, Burr and his nearly forty floated down the Cumberland, and the two groups rendezvoused at the confluence of the two rivers on December 27, 1806.⁶⁹ It was there that Burr got confirmation that Jefferson's proclamation had turned public opinion against him. The saga that followed is fascinating, but it is the law that evolved from the expedition that is of concern here.

Two of Burr's associates, Erick Bollman and Samuel Swartwout, who were both couriers of messages from Burr to Wilkinson, were arrested in the West by General Wilkinson, transported to Washington, D.C., and charged with treason and "high misdemeanor," meaning in this case plotting war against a foreign government with which the U.S. was at peace. They were taken before the Circuit Court of the District of Columbia for their initial hearing (equivalent to Judge King's Court of Inquiry), at which they were bound over to stand trial. They immediately thereafter obtained a writ of habeas corpus from the U.S. Supreme Court (figs. 5, 6). The matter was reheard in that court. On the charge of high misdemeanor Chief Justice John Marshall speaking for the court wrote: "That both of the prisoners were engaged in a most culpable enterprize against the dominions of a power at peace with the United States, those who admit the affidavit of General Wilkinson cannot doubt. But that no part of this crime was committed in the District of Columbia is apparent. It is therefore the unanimous opinion of the court that they cannot be tried in this district."⁷⁰ The lower court's bind-over order was reversed and Bollman and Swartwout were discharged.

What Justice Marshall wrote about treason is of principal importance. He first specified the charge: "The specific charge brought against the prisoners is treason in levying war against the United States."⁷¹ After stating the seriousness of the crime and the public excitement it creates, he quoted the Constitution and defined the crime.

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

To constitute that specific crime for which the prisoners now before the court have been committed, war *must be actually levied against the United States*. However flagitious [deeply criminal; utterly villainous] may be the crime of *conspiring* to subvert by force the government of our country, such conspiracy *is not treason*. To *conspire* to levy war and *actually* to levy war, are *distinct offences*. The first must be brought into operation, by the assemblage of men for a purpose treasonable in itself, or the fact of levying war cannot have been committed. So far has this principle been carried, that . . . it has been determined that the actual enlistment of men to serve *against the government*, does *not* amount to the levying of war.⁷²

He continued:

It is not the intention of the court to say that no individual can be guilty of this crime who has not appeared in arms against his country. On the contrary, *if war be actually levied*, that is, if a body of men be actually assembled for the purpose of effecting by force a treasonable

EX PARTE BOLLMAN AND EX PARTE
SWARTWOUTEX PARTE
BOLLMAN
AND
SWART-
WOUT.

C. LEE moved for a *habeas corpus* to the marshal of the district of Columbia, to bring up the body of *Samuel Swartwout*, who had been committed by the circuit court of that district, on the charge of treason against the United States; and for a *certiorari* to bring up the record of the commitment; &c.

And on a subsequent day *Harper* made a similar motion in behalf of *Erick Bollman*, who had also been committed by the same court on a like charge.*

The order of the court below, for their commitment, was in these words :

“The prisoners, *Erick Bollman* and *Samuel Swartwout*, were brought up to court in custody of the mar-

* On a former day (Feb. 5) *C. Lee* had made a motion for a *habeas corpus* to a military officer to bring up the body of *James Alexander*, an attorney at law at New-Orleans, who, as it was said, had been seized by an armed force under the orders of General Wilkinson, and transported to the city of Washington.

CHASE, J. then wished the motion might lay over to the next day. He was not prepared to give an opinion. He doubted the jurisdiction of this court to issue a *habeas corpus* in any case.

JOHNSON, J. doubted whether the power given by the act of congress, vol. 1. p. 101, of issuing the writ of *habeas corpus*, was not intended as a mere auxiliary power to enable courts to exercise some other jurisdiction given by law. He intimated an opinion that either of the judges at his chambers might issue the writ, although the court collectively could not.

CHASE, J. agreed that either of the judges might issue the writ, but not out of his peculiar circuit.

MARSHALL, Ch. J. The whole subject will be taken up *de novo*, without reference to precedents. It is the wish of the court to have the motion made in a more solemn manner to-morrow, when you may come prepared to take up the whole ground. [But in the mean time *Mr. Alexander* was discharged by a judge of the circuit court.]

This court has power to issue the writ of *habeas corpus ad subjiciendum*.

To constitute a *levying of war*, there must be an assemblage of persons for the purpose of effecting by force a treasonable purpose. Enlistment of men to serve against government is not sufficient.

When war is levied, all those who perform any part, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy, are traitors.

Any assemblage of men for the purpose of revolutionizing by force the government established by the United States in any of its territo-

FIG. 5. The first page of the U.S. Supreme Court opinion in the 1807 case in which Erick Bollman and Samuel Swartwout were charged with treason. From this time forward, the Supreme Court has held that the term *treason* must be interpreted narrowly.

purpose, all those who perform any part, however minute, or however remote from the scene of action, and *who are actually leagued in the general conspiracy*, are to be considered as traitors. But *there must be an actual assembling of men for the treasonable purpose, to constitute a levying of war.*⁷³

He added that Congress and legislatures are at liberty to define and prescribe the punishments for related offenses, but whatever statutes were enacted, they could not rise to “constructive treason.” That term refers to a doctrine created by the British jurists as an exception carved from the general classification of criminals as “accessories before the fact” (those who plotted and assisted in a crime before its commission, but who were not present at the time and place where it occurred), “principals” (those who actually committed the crime), or “accessories after the fact” (those who assisted or harbored the principals after the commission of the crime). In England, when a treason was charged, *all* accessories were by construction or definition deemed to be principals. Hence, Blackstone’s phrase “in treason all are principals.”

In Marshall’s view, this doctrine was so repugnant that, to prevent it, the Founding Fathers inserted the definition of treason in the Constitution. Marshall wrote:

The framers of our constitution, who not only *defined and limited* the crime, but with jealous circumspection attempted to protect their *limitation* by providing that no person should be convicted of it, *unless on the testimony of two witnesses to the same overt act*, or on confession in open court, must have conceived it more safe that punishment in such cases should be ordained by general laws, formed upon deliberation, under the influence of no resentments, and without knowing on whom they were to operate, than that it should be inflicted under the influence of those passions which the occasion seldom fails to excite, and which a *flexible* definition of the crime, or a *construction which would render it flexible*, might bring into operation. It is therefore more safe as well as more consonant to the principles of our constitution, that the crime of treason should not be *extended by construction* to doubtful cases; and that *crimes not clearly within the constitutional definition*, should receive such punishment as the legislature in its wisdom may provide.⁷⁴

He thus determined that the Founding Fathers took the prerogative of putting the definition and limitations on the crime of treason in the Constitution while that subject was dispassionately deliberated upon in connection with the Constitution itself, rather than leave it for the states to do so during times when passions might bear sway. Thus he left to Legislatures and courts to define lesser, related crimes, reserving treason exclusively within the Constitution itself.

It is to be emphasized that the court imposed this rule on the lower court while the *Bollman* case was at the initial commitment stage, or the equivalent of the “Court of Inquiry” hearing before Judge King being considered here. The need for the two witnesses of the overt act, by the court’s reasoning, is accordingly required at the outset, a matter further developed in the *Burr* opinion, which will be considered next.

Aaron Burr, Harman Blennerhassett, Jonathan Dayton, John Smith (U.S. Senator from Ohio), Comfort Tyler, Israel Smith, and Davis Floyd were also arrested and ultimately taken to Richmond, Virginia, before Justice Marshall sitting as a circuit judge joined by District Judge Cyrus Griffin.⁷⁵ These seven were also charged with treason and high misdemeanor and tried and acquitted of both charges. Since the primary concern here is the language of the *Burr* opinion which modified or clarified the *Bollman* decision, the convoluted twists and turns of the trial are not treated here.

In this connection, however, one issue regarding evidence and procedure needs attention. Repeatedly through the Burr trial, defense counsel, claiming they were following the holding of the *Bollman* appeal, insisted that the “overt act” of making war must be proved *before* evidence of intent or conspiracy could be heard. The court frequently agreed and so instructed the government’s attorneys, only to have them ask the court’s indulgence promising that the next or soon to be called witness would supply evidence of the overt acts. After some sixteen or seventeen witnesses had testified, the only testimony that smacked slightly of an “overt act” came from Jacob Allbright, a servant of the Blennerhassetts who said that on the night of December 10, 1806, when the Blennerhassett party was hurriedly preparing to depart the island, a General Edwin W. Tupper from Marrietta, Ohio, had come to the island, approached a group standing around a bonfire, “laid his hands” on Harman Blennerhassett, and said, “Your body is in my hands in the name of the commonwealth.” Immediately “seven or eight muskets” were pointed at the general and one of the circle was heard to say he “would as lieve as not” shoot. “Tupper then ‘changed his speech,’ wished them ‘to escape safe,’ and bade them Godspeed.” Allbright on further examination “said that the muskets were pointed at Tupper as a joke.” Tupper himself was in attendance at the trial but was not called to testify.⁷⁶ Allbright was discredited to some degree by William Love, the witness who followed him, but even if his testimony were unquestionably true, that incident is an exercise in aiding one to resist arrest, not make war. That, however, was the only testimony of any overt act occurring in Virginia (Blennerhassett Island was in Cook County, Virginia, at that time) on which to hang a treason prosecution.⁷⁷ After one more witness following Love, the defendants moved that no more testimony be admitted, since

APPENDIX.

Note (B.)

OPINION

ON THE MOTION TO INTRODUCE CERTAIN EVIDENCE IN THE TRIAL

OF AARON BURR, FOR TREASON, PRONOUNCED

MONDAY, AUGUST 31.

THE question now to be decided has been argued in a manner worthy of its importance, and with an earnestness evincing the strong conviction felt by the counsel on each side that the law is with them.

A degree of eloquence seldom displayed on any occasion has embellished a solidity of argument and a depth of research by which the court has been greatly aided in forming the opinion it is about to deliver.

The testimony adduced on the part of the United States, to prove the overt act laid in the indictment, having shown, and the attorney for the United States having admitted, that the prisoner was not present when the act, whatever may be its character, was committed, and there being no reason to doubt but that he was at a great distance and in a different state, it is objected to the testimony offered on the part of the United States, to connect him with those who committed the overt act, that such testimony is totally irrelevant and must therefore be rejected.

The arguments in support of this motion respect in part the merits of the case as it may be supposed to stand independent of the pleadings, and in part as exhibited by the pleadings.

On the first division of the subject two points are made

1st. That conformably to the constitution of the United States, no man can be convicted of treason who was not present when the war was levied.

2d. That if this construction be erroneous, no testimony can be received to charge one man with the overt acts of others, until those overt acts as laid in the indictment be proved to the satisfaction of the court.

FIG. 6. First page of *United States v. Burr*, as it is commonly called. It is actually Appendix B to the U.S. Supreme Court opinion in the case *Ex parte Bollman and Ex parte Swartwout*. Following the court's order granting the defendants' motion to close the evidence for the prosecution's failure to prove an overt act of treason, the matter was submitted to the jury, which returned "not guilty" verdicts. This opinion by the judges holds that clear evidentiary proof of overt action is necessary to sustain a conviction on a charge of treason.

District Attorney Hay finally admitted that among all his remaining witnesses, he had no other evidence of other overt acts occurring on Blennerhassett Island, contending instead that the simple assembling of the men on the island amounted to the overt act of making war. The court asked for argument that then went for days, involving as it did all eight attorneys as well as Burr, speaking as an attorney in his own behalf. During argument, the government's attorneys conceded that no witness had testified that Burr was at Blennerhassett Island, and that during all material times he was in Kentucky or Tennessee, but insisted under the doctrine of constructive treason, which they asserted *was* in effect in America as in England, that the acts of those on the island were attributable to Burr.

The court then ruled. It granted the motion terminating the taking of further evidence, instructed the jury as to the evidence thus far received and invited them to retire to reach a verdict. The opinion was the longest Marshall ever wrote. It took the whole of the three-hour afternoon session to read. The court adjourned. The following morning, the jury assembled and retired to deliberate. They quickly returned and announced: "We of the jury say that Aaron Burr is not proved to be guilty under this indictment by any evidence submitted to us. We therefore find him not guilty."⁷⁸

Marshall consulted with his fellow justices on the Supreme Court several times during the course of the Burr trial, and the *Burr* opinion after it was rendered was attached as Appendix B to the *Bollman* case when both were published, and remains so today in the reports of U.S. Supreme Court opinions.

The pertinent portions of the Burr opinion follow:

It is not deemed necessary to trace the doctrine that *in treason all are principals* to its source. . . . The terms of the constitution comprise no question respecting principal and accessory, so far as either may be truly and in fact said to levy war . . .

. . . It will be observed that this opinion does not extend to the case of a person who performs no act in the prosecution of the war, who counsels and advises it, or who being engaged in the conspiracy fails to perform his part. Whether such persons may be implicated by the doctrine, *that whatever would make a man an accessory in felony makes him a principal in treason, or are excluded, because that doctrine is inapplicable to the United States* the constitution having declared that treason shall consist only in levying war, and having made the proof of *overt acts* necessary to conviction is a question of vast importance.⁷⁹

Marshall then confronted the following language he had written in the *Bollman* opinion: "all those who perform any part, however minute, or

however remote from the scene of action.” He acknowledged that counsel in the Burr trial had found it ambiguous and after expanding and explaining that phrase for many pages summarized:

The presence of the party, where presence is necessary, being a part of the overt act, must be positively proved by two witnesses. No presumptive evidence, no facts from which presence may be conjectured or inferred, will satisfy the constitution and the law. If procurement take the place of presence, and become part of the overt act, then no presumptive evidence, no facts from which the procurement may be conjectured or inferred, can satisfy the constitution and the law. The mind is not to be led to the conclusion that the accused procured the assembly, by a train of conjectures or inferences, or of reasoning: the fact itself must be proved by two witnesses, and must have been committed within the district.

... To advise or procure a treason is in the nature of conspiring or plotting treason, which is not treason in itself.⁸⁰

The advising certainly, and perhaps the procuring, is more in the nature of a conspiracy to levy war, than of the actual levying of war. According to the opinion, it is not enough to be leagued in the conspiracy, and the war be levied, but it is also necessary to perform a part; that part is the act of levying of war. This part, it is true, may be minute: it may not be the actual appearance in arms, and it may be remote from the scene of action, that is, from the place where the army is assembled; but it must be a part, and that part must be performed by a person who is leagued in the conspiracy. This part, however minute or remote, constitutes the overt act on which alone the person who performs it can be convicted.⁸¹

The present indictment charges the prisoner with levying war against the United States, and alleges an overt act of levying war. That overt act must be proved, according to the mandates of the constitution and of the act of congress, by two witnesses. *It has not been proved by a single witness.* The presence of the accused has been stated to be an essential component part of the overt act in this indictment . . . and there is not only no witness who has proved his actual or legal presence; but the fact of his absence is not controverted. The counsel for the prosecution offer to give in evidence subsequent transactions, at a different place and in a different state, in order to prove what? The overt act laid in the indictment? That the prisoner was one of those who assembled at Blennerhassett’s island? No, that is not alleged. It is well known that such testimony is not competent to establish such a fact. *The constitution and law require that the fact should be established by two witnesses, not by the establishment of other facts from which the jury might reason to this fact.* The testimony, then, is not relevant. If it can be introduced, it is only in the character of corroborative or confirmatory testimony, *after* the overt act has been proved by two witnesses, in such manner that the question of fact ought to be left with the jury. The conclusion that in this state of things no testimony can be admissible, is so inevitable, that the

counsel for the United States could not resist it. I do not understand them to deny, that if the overt act be not proved by two witnesses so as to be submitted to the jury, that all other testimony must be irrelevant, because no other testimony can prove the act. Now an assemblage on Blennerhassett's island is proved by the requisite number of witnesses, and the court might submit it to the jury, whether that assemblage amounted to a levying of war, but the presence of the accused at that assemblage being no where alleged except in the indictment, the overt act is not proved by a single witness, and of consequence, all other testimony must be irrelevant.⁸²

With all that recital of facts and law, there emerges from the *Bollman* and *Burr* opinions what the law of treason was in America up to and including 1838. Treason consists of making war, meaning some minimal overt act with “force and arms” against the United States proved by two witnesses to the same act, or open confession in court. While the overt act may be “minute” or of small consequence, and at a distance from the scene of action, the party charged must actually perform the act, and be “in league” with the other actors in making the war. He cannot be legally said to be present if he is not actually there and participating. Such “constructive treason” is not a part of American law. To advise or procure treason is in its nature conspiracy, and conspiracy alone is *not* treason. And the overt act must have occurred in the district or jurisdiction where the crime is charged. Finally, the overt act must be proved *before* other corroborating evidence may be received.

The Case of Mark Lynch: Treason against a State. One final legal issue must be considered: Could treason be committed against a state, separate from the national government? More particularly, could such a crime have been committed against a state in 1838?

The case of *People v. Lynch*⁸³ holds the answer. It was a prosecution arising during the War of 1812 between Great Britain and the United States.

Mark Lynch, Aspinwall Cornell, and John Hagerman were indicted for treason against the *state* of New York, charging that they

did adhere to, and give, and minister aid and comfort to the subjects of the said king, &c. by then and there furnishing, supplying and delivering fifty barrels of beef, fifty barrels of pork, fifty hams, one hundred pounds weight of butter, and thirty cheeses, to divers subjects of the said king, &c. in and on board a public ship of war belonging to the said king, &c. then and there lying [in New York harbor], being called the *Bulwark*: the said king, &c. and his subjects, then, and yet being at war with, and enemies of the said state of *New-York*.⁸⁴

The counsel for the defendants in that case argued that upon the creation of the union, individual states became components of the nation

and treason could only be committed against the nation, otherwise the defendants could, for the same acts be in jeopardy to both the state and the nation. The prosecution argued that there was nothing in the federal constitution that prohibited states from having treason statutes, nor prohibiting them from exercising concurrent jurisdiction, and prosecuting treasonous persons under their own statute.

The New York Supreme Court ruled:

The indictment, containing several counts which are substantially alike, after setting out a state of war between the *United States* and *Great Britain*, declared and carried one under the authority of the *United States*, alleges, that the prisoners, being citizens of the state of *New-York*, and of the *United States of America*, as traitors against the people of the state of *New-York*, did adhere to, and give aid and comfort to the enemy, by supplying them with provisions of various kinds, on board a public ship of war, upon the high seas. It has been attempted, on the part of the prosecution, to support this indictment under the statute of this state, (1 N. R. L. 145,) which declares treason against the people of this state to consist in levying war against the people of this state, within the state, or adhering to the enemies of the people of this state, giving to them aid and comfort in this state, or elsewhere. . . . *Great Britain* cannot be said to be at war with the state of *New-York*, in its aggregate and political capacity, as an independent government, and, therefore not an enemy of the state, within the sense and meaning of the statute. The people of this state, as citizens of the *United States*, are at war with *Great Britain*, in consequence of the declaration of war by congress. The state, in its political capacity, is not at war. The subjects of *Great Britain* are the enemies of the *United States of America*, and the citizens thereof, as members of the union, and not of the state of *New-York*, as laid in the indictment.

. . . Under the old confederation, there was no judicial power organized, and clothed with authority for the trial and punishment of treason against the *United States of America*. It became necessary, therefore, to provide for it under the judicial powers of the several states; no such necessity, however, exists under our present system. According to this view of the subject, it would seem unnecessary to notice the question of jurisdiction; for, admitting the facts charged against the prisoners to amount to treason against the *United States*, they do not constitute the offence of treason against the people of the state of *New-York*, as charged in the indictment. The offence not being charged as treason against the *United States*, the present indictment cannot be supported, even admitting this court to have jurisdiction. We would barely observe, however, that we think the jurisdiction of the state courts does not extend to the offence of treason against the *United States*. The judicial power of the *United States* extends to all cases arising under the constitution and laws of the *United States*. The declaration of war was by a law of congress; and, in consequence of which, it became criminal in the prisoners to afford aid and comfort to the enemy. And the act establishing the judicial courts of

the *United States*, gives to the circuit courts cognizance, exclusive of the courts of the several states, of all crimes and offences cognizable under the authority of the *United States*, except where the laws of the *United States* shall otherwise direct. (1 Sess. 1 Cong. c. 20. sec 11.) In whatever point of view, therefore, the case is considered, we are satisfied that the present indictment cannot be supported. The prisoners must accordingly be discharged.⁸⁵

In addition to holding that treason cannot be committed against a *state*, the opinion gives some additional legal principles. First, from the state perspective it reasserts the proposition cited earlier in this article that the U.S. Constitution and federal statutes relating to treason take precedence over state statutes treating the same subject, and give to the federal courts (“circuit courts” at that time) cognizance or jurisdiction “exclusive of the courts of the several states, of all crimes and offences cognizable under the authority of the *United States*, except where the laws of the *United States* shall otherwise direct.” And second, the court in passing acknowledged that it is the prerogative of Congress to declare war, not that of governors or legislatures.⁸⁶

War is the business of nations, not states. Treason is by definition overt acts of “making war” or aiding enemies while war is in progress. As the Blackstone quote first noted above pointed out, while lesser entities (“subjects” in his illustration) may quarrel or war against each other, “it is only a great riot and contempt, and no treason.” Missouri did have statutes dealing with crimes lesser than treason that would have been in the nature of insurrection or rebellion, which covered those civil discords that were short of going to war with the sovereign nation.⁸⁷

As the *Lynch* opinion makes clear, treason laws were necessary while New York was a colony, but with the coming of nationhood, treason became the province of the national government. And notwithstanding later states admitted to the union enacted treason provisions in their constitutions and in statutes, as did Missouri, they went unused. Indeed, a number of states in the twentieth century repealed those treason provisions.⁸⁸

Evaluating the Evidence Presented to the Court of Inquiry

With the backdrop of law now in place, we can consider whether the evidence adduced at the Court of Inquiry justified Judge King’s order binding over Joseph Smith and his associates for treason.

What happened in Daviess County in 1838? A store in Gallatin owned by Jacob Stollings (not a Mormon) and a home just out of town were burned, and goods were taken from the store, a shop, and some homes.

Livestock and household furnishings were seen being taken into Adam-ondi-Ahman. Later, several Missourians claimed that items stolen from them were found in Mormon homes in Daviess County. Two witnesses identified Alexander McRae and Caleb Baldwin as being in a group who took three guns and two butcher knives from them *four days after* the Gallatin incident.⁸⁹ Other witnesses saw David W. Patten (who all witnesses agree was the commander of the Gallatin raid) and some of his “company” empty the Stollings store and heard Patten instruct someone to set it on fire. No witness claimed to see a person starting a fire in the store. Several stated that they later saw the store burning. No one claimed to see who set the Worthington home just outside Gallatin on fire or when that occurred.

Nine witnesses put Joseph Smith and Lyman Wight in the “expedition to Daviess.”⁹⁰ Four name Hyrum Smith as also being in the expedition. Two put Caleb Baldwin in the expedition, and four name McRae. None of the nine witnesses who said Joseph, Hyrum, and Lyman were in the expedition say that any of the three was at Gallatin. One of the three who put Joseph at Adam-ondi-Ahman, Reed Peck (another disaffected Mormon), in his only direct reference concerning Joseph Smith in Daviess County adds:

I heard Perry Keyes, one who was engaged in the depredations in Daviess say that Joseph Smith, jr., remarked, in his presence, that it was his intention, after they got through in Daviess, to go down and take the store in Carrollton. This remark Smith made while in Daviess.⁹¹

Apart from the fact that Peck is reporting someone else’s rendition of a purported statement of Joseph Smith, it is a quote of Joseph Smith’s *intention*. It was not an observation of an *overt act*. Inflammatory words, but *not* actions.

The second witness who said Joseph was at Adam-ondi-Ahman was Sampson Avard. He testified that at a “council” held at Far West (which is in Caldwell, not Daviess County)

a vote was taken whether the brethren should embody and go down to Daviess to attack the mob.⁹² This question was put by the prophet, Joseph Smith, jr., and passed unanimously, with a few exceptions. Captains Patten⁹³ and Brunson were appointed commanders of the Mormons by Joseph Smith, jr., to go to Daviess. . . . Mr. Smith spoke of the grievances we had suffered in Jackson, Clay, Kirtland, and other places; declaring that we must in future, stand up for our rights as citizens of the United states, and as saints of the most high God; and that it was the will of God we should do so; that we should be free and independent, and that as the State of Missouri and the United States, would not protect us, it was high time we should be up, as the saints of the most high God, and protect ourselves, and take the kingdom. Lyman Wight observed, that,

before the winter was over, he thought we would be in St. Louis, and take it. Smith charged them that they should be united in supporting each other. Smith said, on some occasions, that one should chase a thousand, and two put ten thousand to flight; that he considered the United States rotten. He compared the Mormon church to the little stone spoken of by the Prophet Daniel; and the dissenters first, and the State next, was part of the image that should be destroyed by this little stone. The council was called on to vote the measures of Smith; which they did unanimously. On the next day Captain Patten (who was called by the prophet Captain Fearnaught) took command of about one hundred armed men, and told them that he had a job for them to do, and that the work of the Lord was rolling on, and they must be united. He then led the troops to Gallatin, dispersing the few men there, and took the goods out of Stollings store, and carried them to 'Diahmon, and I afterwards saw the storehouse on fire. . . . Joseph Smith, jr., was at Adam-on-diahmon, giving directions about things in general connected with the war. When Patten returned from Gallatin to Adam-on-diahmon, the goods were divided or apportioned out among those engaged; and these affairs were conducted under the superintendence of the first presidency.⁹⁴

There is simply no evidence here that connects Joseph Smith, Hyrum Smith, or Lyman Wight to any overt act or depredation at Gallatin or Adam-ondi-Ahman. Avard places Joseph at Adam-ondi-Ahman "giving directions about things in general connected with the war," and makes no locus for the "superintendence of the first presidency." The supposed inflammatory words he attributes to Smith were by his account all spoken in Caldwell County, not Daviess. Avard adds:

I never heard Hiram Smith make any inflammatory remarks; but I have looked upon him as one composing the first presidency; acting in concert with Joseph Smith, jr.; approving, by his presence, acts, and conversations, the unlawful schemes of the presidency.⁹⁵

Avard tries to make Hyrum guilty by association—"approving, by his presence"—without saying in which county that presence was situated. At the same time Avard acknowledges that Hyrum not only committed no overt act, he never "made any inflammatory remarks."

Lieutenant Colonel George M. Hinkle, the commander of the state militia at Caldwell County, both disputes and corroborates Avard's testimony regarding Joseph and Hyrum's "superintendence" and "giving direction" as follows: "Neither of the Mr. Smiths [Joseph and Hyrum] *seemed* to have any command as officers in the field, but *seemed* to give general directions." And, "I saw Colonel Wright start off with troops, *as was said*, to Millport; all this *seemed* to be done under the *inspection* of Joseph Smith, jr."⁹⁶ Such words are hardly direct evidence of giving an order, commanding troops, or any other overt act.

To this evidence about inflammatory language must be added the testimony given at the hearing that did not make it into either the *U.S. Senate Document* or the *Missouri General Assembly Document*. As noted in footnote 24 above, the transcript of the King hearing located at the state archives in Jefferson City contains evidence from Robert Snodgrass, George Walton, and Abner Scovil. All allude to statements made by Joseph Smith and/or Sidney Rigdon. Snodgrass said:

Two or three months ago, I heard Joseph Smith Jr. say in Far West. That the time had now come that the Saints should rise & take the Kingdom, and they should do it by the sword of the Spirit, and if not, by the sword of power and further said that they had been trampled on and abused as long as the Lord required it. Sydney Rigdon was present, and said in reference to the dissenters, that if they did not take a hand with them they would set the gideonites upon them, and have them bounding over the plains. He further heard them say that their church was that Kingdom spoken of by Daniel that should overcome all other Kingdoms.

George Walton added:

Soon after the dissenters were driven away from Caldwell county, I was in Far West in Correls store, perhaps the last of June last and heard Jos. Smith say that he believed Mahommet was an inspired man, and had done a great deal of good, and that he intended to take the same course Mahommed did. that if the people would let him alone he would after a while die a natural death, but if they did not, he would make it one gore of blood from the Rocky Mountains to the State of Maine. he further said that he had or would have . . . as regular an inquisition as ever was established, and as good a [illegible] as ever was. this conversation was had when talking about dissenters. I heard Huntington, and *Dr. Avard*, & I think Mr. Rigdon say that if ever the dissenters returned to Far West, their heads should be their forfeit.

Abner Scovil testified:

In the latter part of June last, I heard Joseph Smith Jr. say that if the people would let him alone he would conquer them by the sword of the Spirit, but if they would not he would beat the plowshares into swords and their pruning hooks into spears & conquer them he would. He said soon after this what do we care for the laws of the land, . . . so long as there is no person to put them in force—after this I had some talk with him. I observed to him that I thought people ought to obey the laws of the land and then he repeated the same thing again.⁹⁷

Here is more testimony about words but no evidence of actions, and the words were all spoken at Far West in Caldwell County, not in Daviess County. And Walton implicates Sampson Avard as making the same

inflammatory remarks that he attributed to Joseph Smith in his testimony quoted above.

Under the standard of the *Bollman* and *Burr* decisions, what does that testimony, giving it full face value, establish? Acts of arson, larceny, and destruction of property, possibly connected to Joseph and the others, but not treason. No “making war”; indeed no gunfire reported by any witness at Gallatin; no “burning of all inclosures, all brothels”; no surrendering of a fortress to enemies of the nation with whom it was at war; no assault on the government; in short, no overt act of war—at Gallatin or elsewhere in Daviess County. Nor were Joseph Smith, Lyman Wight, or Hyrum Smith present at Gallatin during the putative acts, and they cannot have been “constructively present” for the purpose of charging treason because constructive treason is not part of American law. Finally, the inflammatory words charged to Joseph by Avard, whether treasonous or not, were spoken in Caldwell County, not Daviess County, where the offense was charged to have occurred.

For those like LeSueur who have called the events described above the “Mormon war in Missouri,” it must be observed there was no war, particularly at the Gallatin stage: Governor Boggs’s “Extermination Order” had not yet been issued. Some have claimed the Extermination Order amounted to a declaration of war, but it did not. Boggs crafted it to come as close as possible without being a declaration of war, for the simple reason that he had not the power to declare war. The prerogative to declare war was delegated to the United States Congress at the adoption of the U.S. Constitution⁹⁸ long prior to the creation of the State of Missouri.

Legal Conclusions

The order binding Joseph and the others over for treason thus fails for at least six reasons:

First, the statutorily mandated minimums of due process of law to be afforded the defendants in the proceeding were pervasively disregarded or ignored.

Second, Reed Peck and others attributed to Joseph Smith an expression of an intention. The testimony upon which treason was charged used vague language such as that Joseph Smith and Hyrum Smith “seemed to give general direction” to troops.⁹⁹ Such statements are, at best, efforts to create a basis for “constructive treason.” But constructive treason, was, in the *Burr* case, expressly rejected as a chargeable offense in the United States. Words, and words alone, even if they are conspiratorial in nature, are not treason.

Third, there was no armed assemblage making war against the government at Gallatin, not a single gun fired, no destruction of all buildings, no confrontation between armed camps, no overt act of making war.

Fourth, the inflammatory language that Sampson Avard attributes to Joseph Smith was spoken in a county other than the one in which treason was charged.

Fifth, the testimony of two witnesses, as required by the Constitution, was not produced. Indeed, as in the Burr case, no one testified of an overt act of making war at Gallatin.¹⁰⁰ This condition legally makes all the other testimony at the hearing as it relates to treason irrelevant.

Sixth, treason can only be committed against the United States, not against an individual state, as clarified by the *Lynch* case in 1814.

One could argue that we could hardly expect Austin King to be familiar with the *Bollman*, *Burr*, and *Lynch* cases in frontier Missouri, and he must have ruled in ignorance of them. There is, however, some reason to suggest that he was advised of the *Burr* case. In his first communication with Governor Boggs after arrival at Far West, General John B. Clark asked about the appropriate place to try the prisoners:

The most of the prisoners here I consider guilty of *Treason*, and I believe will be convicted, and the only difficulty in law is, can they be tried in any county but Caldwell? if not they cannot be there indicted, until a change of population. In the event the latter view is taken by the civil courts, I suggest the propriety of trying Jo Smith and those leaders taken by Gen. Lucas, by a court martial for mutiny. . . . I would have taken this course with Smith at any rate; but it being doubtful whether a court martial has jurisdiction or not, in the present case—that is, whether these people are to be treated as in time of war, and the mutineers as having mutinied in time of war—and I would here ask you to forward to me the Attorney General’s opinion on this point.¹⁰¹

The letter was written November 10, 1838. The governor replied on November 19, while the Court of Inquiry was in session:

SIR:—You will take immediate steps to discharge all the troops you have retained in service as a guard, and deliver the prisoners over to the civil authorities. You will not attempt to try them by court martial, the civil law must govern. Should the Judge of the Circuit Court deem a guard necessary, he has the authority to call on the militia of the county for that purpose. In the absence of the Attorney General, I am unable to furnish you with his opinion in the points requested . . . but the crime of treason, whether it can be tried out of the county where the act was committed, we have no precedent, only that of the case of Aaron Burr, who was charged with the commission of that offence against the United States, at Blennerhassett’s Island, in the State of Virginia, and he was tried at Richmond, Va.¹⁰²

Boggs knew of the *Burr* decision and communicated its relevance, at least as he understood it on the question of jurisdiction, to Clark. And since Clark was Boggs's liaison to Judge King, it is not unreasonable to suppose that Governor Boggs's communication was transmitted to Judge King. There were, at the time, in print and widely distributed, sets of law reports which contained the *Bollman*, *Burr*, and *Lynch* opinions. What was available to King is now unknown, but it is significant that Joseph Smith's petition¹⁰³ addressed to Justice George Thompkins of the Missouri Supreme Court, dated March 10, 1839, refers to each of the concepts and holdings of the *Bollman*, *Burr*, and *Lynch* cases. While the language of the petition is of the petitioner's making, and not that of attorneys, the legal principles are apparent:

Whereas the said Joseph Smith Jr. did not levy war against the State of Missouri, neither did he commit any overt acts, neither did he aid or abet an enemy against the State of Missouri during the time that he is charged with having done so, and further your petitioners have yet to learn that the State has an enemy, . . . That the prisoner has never commanded any military company nor held any military authority neither any other office real or pretended in the State of Missouri except that of a religious teacher. That he never has borne arms in the military musters (?) And in all such cases has acted as a private character. And as an individual, how then, your petitioners would ask can it be possible the prisoner has committed treason. . . . That the testimony of Dr. Avard concerning a council held at James Sloan's¹⁰⁴ was false. Your petitioners do solemnly declare that there was no such council. That your petitioners were with the prisoner, And there was no such vote nor conversation as Doctor Avard swore to; . . . that the prisoner had nothing to do with burnings in Daviess County.¹⁰⁵

Where did they get those specific ideas, if their attorneys had not used them in court? And if Doniphan and Burnett knew of them, it seems highly likely that the three cases were called to the judge's attention.

Synthesis and Aftermaths

The contrast between the *Burr* case and the Missouri Court of Inquiry brings to light the deprivation of justice suffered by Joseph Smith and his brethren. Aaron Burr and Joseph Smith were both charged with treason. Both faced massive public calumny. Jefferson was actively opposed to Burr, and Boggs was equally so to Smith, albeit Boggs did not take as publicly active a part in the Court of Inquiry as Jefferson did in both the *Bollman* and *Burr* cases. Burr escaped after acquittal by a grand jury, but the judge refused to accept that verdict, and Burr was later recaptured, tried, and acquitted. Smith escaped after indictment by a grand jury and was never

tried thereafter for that offense. Burr, however, was protected by a judge, John Marshall, who refused to be intimidated and applied the law of treason in America, of which he had a principal part in defining in the process. Smith, in contrast, was bound over by a judge whose views were the same as Joseph's accusers and who disregarded the law then in force, both the substantive law of treason and the constitutional guarantees of due process and fair trial.

Why did Judge King insist on binding Joseph and his four associates over to be investigated by the grand jury for treason, in the absence of any evidence that went beyond inflammatory words, when he could more appropriately have charged them with the lesser offense of insurrection, or of arson, larceny, and receiving stolen goods, as he did the many other defendants? The same question could be modified to apply to Parley P. Pratt and his four co-defendants.¹⁰⁶ That is, why were they bound over for murder, the factual basis for which was a pitched battle between two duly constituted but opposing companies of Missouri Militia, without any evidence connecting the fatal shot that killed Moses Rowland, a Missouri militiaman, to any of those five, when there may have been evidence to connect them with lesser crimes?

The answer lies in the fact that both treason and murder are *nonbailable* offenses. All the other chargeable offenses were bailable. Most, if not all, of the other defendants, shortly after being bound over, posted bail via the recognizance process noted earlier. They left the state and forfeited their bail. Not so for Joseph and the other nine co-defendants held for treason or murder. Sidney Rigdon succeeded after some months in being admitted to bail on a writ of habeas corpus.¹⁰⁷ Efforts by the others to obtain such writs and get a bail hearing fell on deaf ears,¹⁰⁸ but that, too, is a subject for another paper, along with the proceedings of the Daviess County Grand Jury and the change of venue which led to the escape of the prisoners. It is worthy of note here, however, that Joseph later recalled that his legal bills in Missouri in cash, land, and goods came to about \$50,000!¹⁰⁹

From the record of the Court of Inquiry, it thus appears that Austin A. King was determined to put Joseph Smith and those he perceived to be principal Mormon leaders in prison on some nonbailable charge and hold them there as hostages until the Mormons had all left the state. Hyrum Smith said as much:

The next morning [after the hearing] a large wagon drove up to the door, and a blacksmith came into the house with some chains and handcuffs. He said his orders were from the Judge to handcuff us and chain us together. He informed us that the Judge had made out a mittimus and sentenced us to jail for treason. He also said the Judge had done this *that*

*we might not get bail. He also said that the Judge declared his intention to keep us in jail until all the "Mormons" were driven out of the state (italics added).*¹¹⁰

Austin King was on a quest for hostages. Due process and constitutional standards for probable cause were inconsequential in that quest. One need not be reminded that the same nonbailable treason gambit would be used again at Carthage, Illinois.¹¹¹

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1. See Joseph Smith Jr., *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2d ed., rev., 7 vols. (Salt Lake City: Deseret Book, 1971), 3:187–206 (hereafter cited as *History of the Church*). See also Parley P. Pratt, *History of the Late Persecution* (Detroit: Dawson & Bates, 1839), reprinted in *Mormon Redress Petitions: Documents of the 1832–1838 Missouri Conflict*, ed. Clark V. Johnson (Provo, Utah: Religious Studies Center, Brigham Young University, 1992), 80–88. Stated in the Pratt account is "A Lyman and several others were added to our number," 83; besides Amasa Lyman, however, the others were not named. For a concise overview of the conflict between Mormons and Missourians, see Max H. Parkin, "Missouri Conflict," in *Encyclopedia of Mormonism*, ed. Daniel H. Ludlow, 4 vols. (New York: Macmillan, 1992), 2:927–32. Alexander Doniphan, prior to this incident and thereafter, served as attorney for Joseph Smith and other Mormons.

2. *Correspondence, Orders, &c. in Relation to the Disturbances with the Mormons; and the Evidence* (Fayette, Missouri: Missouri General Assembly, 1841), 90–91 (hereafter cited as *Missouri General Assembly Document*). See also *History of the Church*, 3:201–6. For notes on this and other Mormon documents from the Missouri period, see Stanley B. Kimball, "Missouri Mormon Manuscripts: Sources in Selected Societies," *BYU Studies* 14, no. 4 (1974): 458–87.

3. *History of the Church*, 3:319–30.

4. He noted that he heard "the Judge say, whilst he was sitting in his pretended court, that there was no law for us, nor for the 'Mormons' in the state of Missouri; that he had sworn to see them exterminated and to see the Governor's order executed to the very letter; and that he would do so." *History of the Church*, 3:420.

5. Gordon D. Pollock, "The Prophet before the Bar: The Richmond Court Transcript" (paper presented to the Mormon History Association, Annual Meeting, Logan, Utah, May 17, 1988, copy in writer's possession), 18. See also Stephen C. LeSueur, *The 1838 Mormon War in Missouri* (Columbia, Mo.: University of Missouri Press, 1987) where on page 214 he writes: "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." But two pages later, he continues: "This reexamination of Mormon claims regarding the Richmond hearing may lead the reader to conclude that justice was served by this judicial inquiry. Just the opposite is true. Although Mormon leaders presented inaccurate and misleading descriptions of the court's proceedings, their basic contention was correct: the Richmond inquiry did not represent a thorough—or, therefore, unbiased—investigation of the disturbances." LeSueur, *Mormon War*, 216. These two statements seem contradictory, and, like Pollock, LeSueur offers no legal basis on which to conclude that King properly "charged and committed the defendants on the evidence."

A more recent article is H. Michael Marquardt, "Judge Austin A. King's Preliminary Hearing: Joseph Smith and the Mormons on Trial," *John Whitmer Historical Association Journal* 24 (2004): 41–55. Marquardt similarly fails to consider the many problems in the procedure and substance of the trial.

6. *Missouri General Assembly Document*, 2.

7. *Senate Document* 189, 26th Cong., 2d sess., 1841 (hereafter cited as *U.S. Senate Document*).

8. *Missouri General Assembly Document*, title page. The minor discrepancies between the two published transcripts of the testimony have little significance as to substance and are not discussed here. The letters, some with attached affidavits, which passed between Governor Boggs, Judge King, and the militia commanders, composing the first half of *Missouri General Assembly Document*, were apparently included in the report by the Legislative Committee to show the inflamed state of some minds prior to Governor Boggs's Order and the convening of the court. Much in the affidavits turned out to be overblown, and nothing in the record indicates that any of the affidavits were offered or received into evidence. Accordingly they are also not discussed in this article.

9. For a summary of the causes and major details of those years of conflict, together with the efforts of David R. Atchison as both an attorney and militia general in trying to preserve peace, see Richard Lloyd Anderson, "Atchison's Letters and the Causes of Mormon Expulsion from Missouri," *BYU Studies* 26, no. 3 (1986): 3–46. A more extensive treatment is Alexander L. Baugh, *A Call to Arms: The 1838 Mormon Defense of Northern Missouri* (PhD diss., Brigham Young University, 1996; reprint, Provo, Utah: BYU Studies and Joseph Fielding Smith Institute for Latter-day Saint History, 2000), particularly chaps. 7–11. Another evenhanded treatment is Kenneth H. Winn, *Exiles in a Land of Liberty: Mormonism in America, 1830–1846* (Chapel Hill, N.C.: University of North Carolina Press, 1989), chaps. 3–7. The Mormon population numbers were shared with the author by Alexander Baugh.

10. "If it appear that an offence has been committed, and that there is probable cause to believe the prisoner guilty thereof, the magistrate shall bind, by recognizance, the prosecutor, and all material witnesses against such prisoner, to

appear and testify before the court having cognizance of the offence, on the first day of the next term thereof, and not to depart such court without leave." Practice and Proceedings in Criminal Cases, *The Revised Statutes of the State of Missouri*, 1835 (Argus Office 1835), Article II, sec. 22, pp. 476–77.

11. "The magistrate, before whom any such person shall be brought, shall proceed, as soon as may be, to examine the complainant, and the witnesses produced in support of the prosecution, on oath, in the presence of the prisoner, in regard to the offence charged, and other matters connected with such charge, which such magistrate may deem pertinent." Criminal Cases, *Statutes of Missouri*, 1835, Article II, sec. 13, p. 476.

12. "If desired by the prisoner, his counsel may be present during the examination, and may cross-examine the complainant, and the witnesses on the part of the prosecution." Criminal Cases, *Statutes of Missouri*, 1835, Article II, sec. 14, p. 476.

13. "If the offence with which the prisoner is charged be bailable, and the prisoner offer sufficient bail, a recognizance shall be taken for his appearance, to answer the charge before the court in which the same is cognizable, on the first day of the next term thereof, and not to depart such court without leave, and thereupon he shall be discharged." Criminal Cases, *Statutes of Missouri*, 1835, Article II, sec. 26, p. 477.

14. "If the offence be not bailable, or sufficient bail be not offered, the prisoner shall be committed to the jail of the county in which the same is to be tried, there to remain until he is discharged by due course of law." Criminal Cases, *Statutes of Missouri*, 1835, Article II, sec. 27, p. 477.

15. "The evidence given by the several witnesses examined, shall be reduced to writing by the magistrate, or under his direction, and shall be signed by witnesses respectively." Criminal Cases, *Statutes of Missouri*, 1835, Article II, sec. 20, p. 476. "All examinations and recognizances, taken in pursuance of the provisions of this article shall be certified by the magistrate taking the same, and delivered to the clerk of the court in which the offence is cognizable, on or before the first day of the next term thereof, except, that where the prisoner is committed to jail, the examination of himself, and of the witnesses for or against him, duly certified, shall accompany the warrant of commitment, and be delivered therewith to the jailor." Criminal Cases, *Statutes of Missouri*, 1835, Article II, sec. 29, p. 477. In the 1838 Court of Inquiry, as the legislature's committee observed in the quote noted earlier in this paper, the testimony of all the witnesses, while signed, was not *certified* (that is, sworn to before the magistrate, as required) thus leaving it of questionable authenticity.

16. *Encyclopaedia Britannica*, 24 vols. (London: Encyclopedia Britannica, 1945), 20:576, s.v. "Shorthand."

17. Criminal Cases, *Statutes of Missouri*, 1835, Article II, sec. 20, p. 476, and sec. 29, p. 477.

18. *U.S. Senate Document*, 26, 28, 36, 38; *Missouri General Assembly Document*, 130, 131, 133, 134, 142, 144, 145.

19. *History of the Church*, 3:430. I have not raised the question of prejudicial or biased comments which were attributed to Judge King during the hearing, or of his letters to General Atchison and Governor Boggs which preceded the hearing

which demonstrate a prejudice or predisposition against the Mormons (*Missouri General Assembly Document*, 28–29, 53–54) because there is no motion by defense counsel to disqualify the judge for prejudice in the record; nor does it appear that the legislature’s Joint Committee took any specific exception to the sentiments demonstrating bias in his writings that were included in the documents the Committee ordered printed, beyond the following: “These documents, although they are serviceable in giving direction to the course of inquiry, are none of them, except the official orders and correspondence, such as ought to be received as conclusive evidence of the facts stated; nor are their contents such as would, without the aid of further evidence, enable the committee to form a satisfactory opinion in relation to the material points of the inquiry.” *Missouri General Assembly Document*, 3.

20. They were King Follett, Samuel Bent, Ebenezer [“Ebberry”] Brown, William Whitman, and Jonathan Dunham. *U.S. Senate Document*, 19–20; *Missouri General Assembly Document*, 119.

21. They were James Newberry and Sylvester Hewlett. *U.S. Senate Document*, 27; *Missouri General Assembly Document*, 132.

22. They were Clark Hallett and Joel S. Miles. *U.S. Senate Document*, 34; *Missouri General Assembly Document*, 140.

23. Rollins’s name was spelled “Rawlins” and Morris’s name was spelled “Maurice” in the order. *Missouri General Assembly Document*, 150.

24. The three whose testimony does not appear in either printed transcript were Robert Snodgrass, George Walton, and Abner Scovell (“Scovil” in *History of the Church*). *Missouri General Assembly Document*, 151, names them. *History of the Church*, 3:210, lists all three as having testified. There are three copies of the transcript submitted to the legislative committee and/or the U.S. Senate. One is located at the Missouri State Archives, Jefferson City, Mo.; one at the Missouri State Historical Society, University of Missouri, Columbia, Mo.; and one at the State Historical Society, St. Louis, Mo. Only the transcript at the Archives in Jefferson City contains the testimony of the three above-named witnesses. Reference will be made below to that testimony.

25. *Missouri General Assembly Document*, 150. “Lyman Gibbs” in the order was actually Luman Gibbs. *History of the Church* lists the names of all the prisoners with their correct spellings, 3:209. This paper focuses on Joseph Smith and the treason charges. The charges against Parley P. Pratt and his co-defendants for murder are only summarized as follows: Those charges arose from the “Battle of Crooked River.” Upon receiving a report that Captain Samuel Bogart of the Missouri militia (mostly from Ray County and non-Mormon) had taken three Mormon prisoners and were camped on Crooked River in Ray County, just south of its border with Caldwell County, Judge Elias Higbee, a Mormon and the first District Judge of newly settled and predominantly Mormon Caldwell County, ordered Lieutenant Colonel George M. Hinkle, the commander of the state militia in that county, to call out a company to proceed to Crooked River to rescue the prisoners. Colonel Hinkle dispatched Captain David W. Patten and his men on that assignment. The Caldwell militia arrived at Crooked River just before dawn, and a short skirmish ensued. Moses Rowland of the Bogart company was killed, and Patten, Gideon Carter, and Patrick O’Banion of the Caldwell troops died. Several

others on both sides were wounded. Pratt and his four co-defendants were in the Caldwell company. No evidence appears in the record that connects any of the five with Rowland's death. Indeed, without ballistic or forensic sciences as developed today, determining who fired a fatal shot in a pitched military battle would be nigh impossible to ascertain. The evidence does identify several other defendants who were also at Crooked River on that occasion who were *not* charged with murder. See *History of the Church*, 3:169–71; Baugh, *A Call to Arms*, 99–113; and LeSueur, *Mormon War*, 137–42.

26. *Missouri General Assembly Document*, 150. Those bound over were: George W. Robinson, Alanson Ripley, Washington Voorhees, Sidney Turner ("Tanner" in the order), Jacob Gates, Jesse D. Hunter ("Jos." in the order), George Grant, Thomas Beck ("Rich" in the order and "Buck" in *U.S. Senate Document*, 1), John S. Higbee (*History of the Church*, 3:209; "Higbey" in both *U.S. Senate Document*, 1, and *Missouri General Assembly Document*, 97, 150), Ebenezer Page, Ebenezer Robinson, James M. Henderson, David Pettigrew (*History of the Church*, 3:209; "Pettigrew" in both *U.S. Senate Document*, 1, and *Missouri General Assembly Document*, 97, 150), Edward Partridge, Francis Higbee (*History of the Church*, 3:209; "Higby" in *U.S. Senate Document*, 1, and "Higbey" in *Missouri General Assembly Document*, 97, 150), George Kimball (*History of the Church*, 3:209; "Kimble" as charged in both *U.S. Senate Document*, 1, and *Missouri General Assembly Document*, 97, but "Kemble" in the order, *Missouri General Assembly Document*, 150), Joseph W. Younger, Daniel Garn (*History of the Church*, 3:209; "Carn" in both *U.S. Senate Document*, 1, and *Missouri General Assembly Document*, 97, 150), James H. Rollins (not originally charged, nor named as an added defendant in the record, but bound over as "James H. Rawlings" in the order, *Missouri General Assembly Document*, 150), Samuel Bent ("Lemuel" Bent in the order, *Missouri General Assembly Document*, 150), Jonathan Dunham, Joel S. Miles, and Clark Hallett.

27. The six were: King Follett (who was later indicted for robbery by the grand jury of Caldwell County, imprisoned in Boone County Jail in Columbia, Mo., with Parley P. Pratt and the others named above, attempted to escape with them, was recaptured, tried on the robbery charge and acquitted), Benjamin Jones, George W. Harris ("Harris," as originally charged, *U.S. Senate Document*, 1, and *Missouri General Assembly Document*, 97, but listed as "Morris," in the order, *Missouri General Assembly Document*, 149), Elijah Newman, Moses Clawson, and Daniel Shearer (*Missouri General Assembly Document*, 149). The dismissal of these six does not appear in *U.S. Senate Document*.

For the twenty-three dismissed, see *U.S. Senate Document*, 37, and *Missouri General Assembly Document*, 143. They were: Amasa Lyman ("Amazy" in *U.S. Senate Document*, 1), John Buchanan (*History of the Church*, 3:209; "Buckhanan" in *U.S. Senate Document*, 1, 37, and "Bachanan" as originally charged and "Buchannan" in the order in *Missouri General Assembly Document*, 97, 143), Andrew Whitlock, Alvin G. Tippetts (*History of the Church*, 3:209; "Abraham L." in *U.S. Senate Document*, 37), Jedediah Owens (listed as "Zedekiah Owens" in *U.S. Senate Document*, 1, and *Missouri General Assembly Document*, 97), Isaac Morley, John J. Tanner ("Turner" as originally charged in *Missouri General Assembly Document*, 97), Daniel S. Thomas, Elisha Edwards, Benjamin Covey, David Frampton,

Henry Zobriskie (*History of the Church*, 3:209; “Zabriskey” as originally charged in *U.S. Senate Document*, 1, and “Zabriski” in *U.S. Senate Document*, 37, *Missouri General Assembly Document*, 97, and the order, *Missouri General Assembly Document*, 143), Allen J. Stout, Sheffield Daniels, Silas Maynard (*History of the Church*, 3:209; “Manard” in *U.S. Senate Document*, 1, 37, and *Missouri General Assembly Document*, 97, 143), Anthony Head, John T. Earl, Ebenezer Brown (originally added as a defendant as “Ebbery Brown,” *U.S. Senate Document*, 19–20, and *Missouri General Assembly Document*, 119), James Newberry, Sylvester Hewlett, Chandler Holbrook (*History of the Church*, 3:209; “Haldbrook,” as originally charged, *U.S. Senate Document*, 1, and *Missouri General Assembly Document*, 97, and “Halbrook” in the order in both *U.S. Senate Document*, 37, and *Missouri General Assembly Document*, 143), Martin C. Allred, and William Allred (*History of the Church*, 3:209; both Allreds spelled “Alred” in *U.S. Senate Document*, 1, 37, and *Missouri General Assembly Document*, 97, 143).

28. *Missouri General Assembly Document*, 150.

29. “Whenever complaint shall be made to any magistrate, that a criminal offence has been committed, it shall be his duty to examine the complainant, and any witnesses who may be produced by him, on oath.” Criminal Cases, *Statutes of Missouri*, 1835, Article II, sec. 2, p. 474.

30. “If it appear on such examination, that any criminal offence has been committed, the magistrate shall issue a proper warrant, reciting the accusation, and commanding the officer to whom it shall be directed, forthwith to take the accused, and bring him before such magistrate, to be dealt with according to law.” Criminal Cases, *Statutes of Missouri*, 1835, Article II, sec. 3, p. 475.

31. “Persons arrested under any warrant for any offence, shall, when no provision is otherwise made, be brought before the magistrate who issued the warrant . . . and the warrant, by virtue of which the arrest was made, with a proper return endorsed thereon, and signed by the officer or person making the arrest, shall be delivered to such magistrate.” Criminal Cases, *Statutes of Missouri*, 1835, Article II, sec. 12, p. 476.

32. *History of the Church*, 3:463. General Clark, who served as liaison between Governor Boggs and Judge King during the hearing, wrote the governor on November 10, 1838, two days before the hearing began: “I this day made out charges against the prisoners, and called on Judge King to try them as a committing court, and I am now busily engaged in procuring witnesses, and submitting facts.” *Missouri General Assembly Document*, 67. He does not say that the “charges” were reduced to writing and accompanied by a warrant. Nor are there any such documents attached to the record in either *U.S. Senate Document* or *Missouri General Assembly Document*.

33. *History of the Church*, 3:448.

34. *History of the Church*, 3:463.

35. *History of the Church*, 3:212–13.

36. *History of the Church*, 3:419. Allen is not listed as a witness in either *Missouri General Assembly Document* or *U.S. Senate Document*, so no effort was made to reduce to writing what testimony he did give.

37. Peter H. Burnett, a non-Mormon journalist and attorney, who later represented Joseph Smith and the others before the grand jury, was, as a journalist,

covering the hearing and observed that Sampson Avar, the prosecution's first and principal witness, was "cross-examined very rigidly." Peter H. Burnett, *An Old California Pioneer* (Oakland, Calif.: Biobooks, 1946), 38. The record of Avar's testimony (*U.S. Senate Document*, 1–9, 21, *Missouri General Assembly Document*, 97–108) discloses no cross-examination.

38. *Autobiography of Parley P. Pratt* (Salt Lake City: Deseret Book, 1972), 211–12; italics in original.

39. Spelled "Morris" in *U.S. Senate Document*, 11–12, and "Maurice" in *Missouri General Assembly Document*, 109–10, 150.

40. *U.S. Senate Document*, 11–12; *Missouri General Assembly Document*, 109–10, 150. A later reminiscence written by Morris Phelps expands what appears in the record and recounts that during the course of his testimony, he attempted to testify favorably about Joseph Smith and the others and was prevented from doing so by Judge King and the prosecuting attorney, who thereafter filed charges against him for murder in connection with the Battle of Crooked River. Morris Phelps, "Memoirs of Columbia Jail," manuscript, Church Archives, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, 1. Similarly, Chandler Holbrook, one of the original 53 charged and also one of the 23 released (listed above) wrote that he, too, was told when imprisoned "that he would remain there until he would testify against [Joseph]." He replied, "I will stay in this dungeon until the worms carry me out the keyhole, and then I won't." Bryant S. Hinckley, *That Ye Might Have Joy* (Salt Lake City: Bookcraft, 1958), 24.

41. *Missouri General Assembly Document*, 150.

42. *Missouri General Assembly Document*, 150.

43. A "Thomas Buck" is named as a defendant in *U.S. Senate Document*, 1. A "Thomas Beck" is named in *Missouri General Assembly Document*, 97.

44. *U.S. Senate Document*, 2; *Missouri General Assembly Document*, 98.

45. *Missouri General Assembly Document*, 150.

46. *Missouri General Assembly Document*, 2.

47. The long-continuing debate about how much Joseph Smith was involved with or knew about Avar and the Danites is not in the purview of this article. For discussions of this issue, see *History of the Church*, 3:179–82; LeSueur, *Mormon War*, 43–47; David J. Whittaker, "Danites," in *Encyclopedia of Mormonism*, 1:356–57; and for a more extended treatment, David J. Whittaker, "The Book of Daniel in Early Mormon Thought," in *By Study and Also by Faith: Essays in Honor of Hugh W. Nibley*, ed. John M. Lundquist and Stephen D. Ricks (Salt Lake City: Deseret Book, 1990), 1:155–201, particularly 166–74.

48. Avar is quoted as having told Oliver Olney prior to the Court of Inquiry that if Olney "wished to save himself, he must swear hard against the heads of the Church, as they were the ones the court wanted to criminate; . . . 'I intend to do it,' said he, 'in order to escape, for if I do not they will take my life.'" *History of the Church*, 3:209–10.

49. The phrase "in which Gallatin was burnt" implies that the whole village was burned down. Actually a store owned by Jacob Stollings in Gallatin was the only structure destroyed by fire. It contained the store, the post office and the office of the county treasurer. See testimony of Patrick Lynch, Stollings's store clerk, who locked the store as the Mormons approached, ran away, and returned later to see

the store on fire. *U.S. Senate Document*, 38–39; *Missouri General Assembly Document*, 145. Later, George W. Worthington, who lived about a quarter of a mile outside Gallatin, was accosted by the Mormons, who advised him that if he “belonged to neither party, I had better put off, and take the best of my property with me. . . . I fixed, and did start, that evening. . . . After I left, my house was burnt.” He does not indicate how long after his departure his home was burned, nor does he say who burned it. *U.S. Senate Document*, 34; *Missouri General Assembly Document*, 140–41.

50. *U.S. Senate Document*, 16; *Missouri General Assembly Document*, 115.

51. This testimony also brings to the fore the rule against hearsay. An out of court statement by someone other than a defendant or the testifying witness is by this rule inadmissible because the party who purportedly made the statement is not available to be cross-examined as to the truth of his supposed statement. Blackstone puts it succinctly: “So, no evidence of a discourse with another will be admitted, but the man himself must be produced.” *Blackstone’s Commentaries on the Laws of England*, 4 vols., reprint (Buffalo, N.Y.: William S. Hein, 1992), 3:368 (hereafter cited as *Blackstone*). There are exceptions to the rule, which Blackstone immediately lists following the language just quoted. One exception or circumvention of the rule in today’s litigation practice is the requirement that unless hearsay is *objected to* at the time it is given and a motion is made to strike the hearsay testimony, it is allowed to remain in the record. Whether that requirement was the practice in 1838 Missouri is nigh impossible to discover. Since, as noted previously, the record discloses no objections or comments of either counsel or the judge, I have for the purposes of this paper treated all the hearsay as though properly admitted. Nevertheless, “it was said by some . . . and by others” is not only hearsay compounded, it is no more than rumor.

52. Testimony was given by three witnesses about another fire in Millport, a town between Adam-ondi-Ahman and Gallatin. Two of the witnesses, Charles Bleckley and James Cobb, say only that Joseph Smith, Lyman Wight, and others were sitting on horseback observing the burning of the building which Cobb says was a “stable.” *U.S. Senate Document*, 30–31; *Missouri General Assembly Document*, 136. The third, James B. Turner, states that while he and another were watching the structure burning, he saw Joseph and the others “ride up.” Turner continues:

Mr. Cobb, the mail-rider, and several of the Bleckleys, came up also. Cobb observed, “See what the damned Mormons have done!” speaking of the burning. Hiram Smith asked how he knew it was the Mormons? He said they had burnt Gallatin. Some of the Mormons replied, that Gallatin was burnt by the mob from Platte. Cobb then remarked, that all Clay and Ray [counties] were turning out to come against them. Wight or Smith, observed he did not believe that was true. Lyman Wight said their cause was just; he considered they were acting on the defensive, and he would as soon 50,000 should come as 500. (*U.S. Senate Document*, 33–34; *Missouri General Assembly Document*, 139–40)

So there is no testimony as to who set the fire at Millport or who owned the structure, and, according to this testimony, the structure was already burning *before* Joseph Smith, Lyman Wight, and the others arrived at the scene. For more about Millport, see footnote 93 below.

53. Crimes and Punishments, *The Revised Statutes of the State of Missouri*, 1835 (Argus Office 1835) Article I, sec. 1., p. 166.

54. *Blackstone*, 4:81–83, emphasis added. Since the above quote begins with the “Third species of treason,” one might ask what the first and second species were. The first was the plotting or attempting the death of the king. *Blackstone*, 4:76. The second was to “violate the king’s companion, or the king’s eldest daughter unmarried, or the wife of the king’s eldest son and heir.” *Blackstone*, 4:81. Both species have no relevance in the United States.

55. *Blackstone*, 4:80, emphasis added.

56. In the *Bollman* case cited at footnote 59 below and which is treated in detail later in this article, Chief Justice John Marshall of the U.S. Supreme Court, speaking of the pre-eminence of the Constitution, wrote, “That great fundamental law which defines and limits the various departments of our government has given a rule on the subject [treason] both to the legislature and the courts of America, which neither can be permitted to transcend.” *Ex parte Bollman and Ex parte Swartwout*, 4 Cranch 126; 8 U.S. 46; 2 L. Ed. 554 (1807), cited hereafter as *Bollman*.

57. *Constitution of the United States of America*, Article III, sec. 3, emphasis added. Treason is the only crime that is defined in the Constitution, all other federal crimes being defined by Congressional statute. This gives some credence to the notion that the Founding Fathers considered treason to be a crime directed against the union (as opposed to one against a single state) deserving constitutional definition. Moreover, the phrase in the Constitutional definition is “levying War against *them*” rather than “levying War against any one of them,” suggesting the same interpretation. The *Lynch* case, discussed below, dealt directly with this distinction.

58. “Missouri Constitution, 1820,” in William F. Swindler, *Sources and Documents of United States Constitutions*, 10 vols. (Dobbs Ferry, N.Y.: Oceana, 1975), 5, Article XIII, sec. 15, emphasis added.

59. *United States v. Burr*, 4 Cranch 470; 8 U.S. 281; 2 L. Ed. 684 (1807) and *Bollman*, 4 Cranch 75.

60. I am relying primarily on three works for the information on the Burr conspiracy: Milton Lomask, *Aaron Burr: The Conspiracy and Years of Exile, 1805–1836* (New York: Farrar, Straus, Giroux, 1982); Albert J. Beveridge, *The Life of John Marshall*, 4 vols. (Boston: Houghton Mifflin, 1916, 1919); and David Robertson, *Trial of Aaron Burr for Treason*, 2 vols. (Jersey City, N.J.: Frederick D. Linn, 1879). Lomask authored an earlier companion work (*Aaron Burr: The Years from Princeton to Vice President, 1756–1805* [New York: Farrar, Straus, Giroux, 1979]) to which I referred but have not cited herein.

61. Lomask, *Aaron Burr*, 33–35, 38–40.

62. Lomask, *Aaron Burr*, 50–51.

63. Lomask, *Aaron Burr*, 193–94.

64. Lomask, *Aaron Burr*, 44.

65. Lomask, *Aaron Burr*, 4–6, 17.

66. Lomask, *Aaron Burr*, 164–68, 179.

67. Lomask, *Aaron Burr*, 174.

68. Lomask, *Aaron Burr*, 180–81. Lomask cites Richardson, *Messages of the Presidents*, 1:404, as his source.

69. Lomask, *Aaron Burr*, 194.

70. *Bollman*, 4 Cranch 135; 8 U.S. 82; 2 L. Ed. 574.

71. *Bollman*, 4 Cranch 125; 8 U.S. 76; 2 L. Ed. 571.

72. *Bollman*, 4 Cranch 126; 8 U.S. 76–77; 2 L. Ed. 571, emphasis added.

73. *Bollman*, 4 Cranch 127; 8 U.S. 77; 2 L. Ed. 571, emphasis added.

74. *Bollman*, 4 Cranch 127; 8 U.S. 77; 2 L. Ed. 571, emphasis added.

75. Each of the Justices of the Supreme Court of that time also served as Circuit Court judge with fellow District Judges in one of the several circuits of states into which the country was divided. Marshall's circuit included Virginia.

76. Robertson, *Trial of Aaron Burr*, 1:509–14; Beveridge, *John Marshall*, 3:427. In a later deposition, Tupper denied the incident stating he “neither had nor pretended to have any authority . . . to arrest anyone.” That is so, since Tupper was an Ohioan, and the island was Virginia territory. See Lomask, *Aaron Burr*, 266–67.

77. The issue of jurisdiction should be explained here. Federal courts cover the same territory as the states. At Marshall's time, the district of Virginia included the whole state of Virginia, including the island owned by Blennerhassett in the Ohio River near the Virginia shore. Jurisdiction in the state courts of Missouri at the time of Judge King's hearing was divided into circuits and districts. The circuits, presided over by circuit judges were groupings of several counties. Districts consisting of single counties were presided over by district judges. Crimes charged had to be *proved* to have occurred in the county of the circuit or district where they were charged in the state courts, and within the district charged in the federal court. So, the crimes charged against Burr and his associates had to be proved to have occurred in the state of Virginia, and the crime of treason charged against Joseph Smith and his associates had to be proved to have occurred in Daviess County, Missouri.

78. Beveridge, *John Marshall*, 3:513; Lomask, *Aaron Burr*, 282. For the whole trial, in addition to Robertson, *Trial of Aaron Burr*, volumes 1 and 2, I have relied on Beveridge, *John Marshall*, 3:398–513, and Lomask, *Aaron Burr*, 233–98.

79. Appendix, Note (B) Opinion on the Motion to Introduce Certain Evidence in the Trial of Aaron Burr, for Treason, pronounced Monday, August 31 (1807) (more commonly cited as *United States v. Burr*), 4 Cranch, 473; 8 U.S., 284; 2 L. Ed., 685, emphasis added. Cited herein as *United States v. Burr*.

80. *United States v. Burr*, 4 Cranch, 499–500; 8 U.S., 304; 2 L. Ed., 699.

81. *United States v. Burr*, 4 Cranch, 501; 8 U.S., 305; 2 L. Ed., 700.

82. *United States v. Burr*, 4 Cranch, 505–6; 8 U.S., 308; 2 L. Ed., 702–3, emphasis added.

83. *People v. Mark Lynch, Aspinwall Cornell, and John Hagerman*, Johnson Reports 11:549, Sup. Ct. New York (1814), hereafter cited as *Lynch*.

84. *Lynch*, 549–50, emphasis in original.

85. *Lynch*, 552–54, italics in original, emphasis added by underlining. A footnote at the end of the opinion indicates that the prisoners were not immediately discharged, but rather retained in custody while the federal authorities were notified to determine whether or not they wished to prosecute them for treason against the United States.

86. The dispute between Congress and the president about that prerogative did not surface until more than a century and a half later.

87. In the same Article of the statute which contains the treason language cited at footnote 53 above are found the following provisions:

Section 4. If two or more persons shall combine, by force, to usurp the government of this state, or overturn the same, or interfere forcibly in the administration of the government, or any department thereof, evidenced by forcible attempt made within the state, to accomplish such purpose, the person so offending shall be punished by imprisonment in the penitentiary for a period not exceeding five years, or by fine not exceeding five thousand dollars, and imprisonment in the county jail for a period not exceeding six months.

Section 5. If twelve or more persons shall combine to levy war against any part of the people of this state, or to remove forcibly out of the state, or from their habitations, evidenced by taking arms and assembling to accomplish purpose, every person so offending shall be punished as declared in the preceding section. Crimes and Punishments, *Statutes of Missouri*, 1835, Article 1, sec. 4–5, p. 166.

None of the defendants were bound over or later indicted under either of these sections. See the last section below for the possible explanation.

88. A comment in the current Missouri State statutes under the present Treason section says: “This section is based on Missouri Constitution, Art. I Section 30. . . . No provisions concerning treason are contained in the Model Penal Code, nor in the Alaska, Colorado, Michigan, New Jersey, New York or Texas codes. There are no reported cases in Missouri indicating any prosecutions under the present laws.” “Comment to 1973 Proposed Code,” *Vernon’s Annotated Missouri Statutes*, 42 vols. (St. Paul, Minn.: Thomson West, 2003), vol. 41A, p. 320.

89. *U.S. Senate Document*, 31, 32; *Missouri General Assembly Document*, 137.

90. The nine were: Sampson Avarad (*U.S. Senate Document*, 3, 4, 21; *Missouri General Assembly Document*, 99, 100, 107), John Cleminson (*U.S. Senate Document*, 16; *Missouri General Assembly Document*, 115), Reed Peck (*U.S. Senate Document*, 18; *Missouri General Assembly Document*, 117), George M. Hinkle (*U.S. Senate Document*, 22; *Missouri General Assembly Document*, 126), Jeremiah Myers (*U.S. Senate Document*, 27; *Missouri General Assembly Document*, 132), Burr Riggs (*U.S. Senate Document*, 29; *Missouri General Assembly Document*, 134), Porter Yates (*U.S. Senate Document*, 36; “Porter Yale” in *Missouri General Assembly Document*, 143), Ezra Williams (*U.S. Senate Document*, 37; *Missouri General Assembly Document*, 144), William W. Phelps (*U.S. Senate Document*, 47; *Missouri General Assembly Document*, 125). Avarad, Peck, and Yates are the ones who specifically place Joseph Smith and Lyman Wight at Adam-ondi-Ahman.

91. *U.S. Senate Document*, 19; *Missouri General Assembly Document*, 118.

92. “Mob” is the common pejorative used by Mormons in Missouri in referring to the native Missourians in or out of the militia. For example, John Cleminson, quoted earlier, described the preparations of the Mormon militia in Far West to withstand attack: “The town of Far West was kept under military rule; troops paraded and disciplined every day. It was a generally prevailling understanding among the troops—and seemed to be so much so towards the last, that no other impressions prevailed—‘that they would oppose either militia or mob, should they come out against them; for *they considered them all mob at heart*’” (italics added). *U.S. Senate Document*, 17; *Missouri General Assembly Document*, 116.

93. David W. Patten, as noted above, was commissioned a Captain in the Caldwell contingent of the Missouri militia. He served under Lt. Col. George M.

Hinkle, the Caldwell militia commander. At the time Avarð was referring to, Hinkle had been ordered by General Doniphan (referred to earlier) to proceed to Daviess County to protect Adam-ondi-Ahman and investigate some reported burnings of *Mormon* homes at Millport. Millport was the first settled town in Daviess County and had perhaps a dozen early Missouri residents. It was nearer to Adam-ondi-Ahman than Gallatin, and a number of Mormons settled on its outskirts, including Joseph Smith's brother Don Carlos, whose house was one of those reportedly burned. There were about 100 members of the Caldwell militia in the expedition. See *History of the Church*, 3:162–63. In his testimony at the Court of Inquiry, Hinkle acknowledged that he went with the expedition, but insisted he went “without being attached to any company, or without having any command.” *U.S. Senate Document*, 21; *Missouri General Assembly Document*, 125. At about the same time, General Parks, another of the commanders of Missouri militia, receiving reports of the same disturbances, ordered Lyman Wight, Colonel of the Daviess County militia to march to Millport and “put the mob down.” Wight's detachment proceeded to Millport, which they found deserted. Patten's troops went to Gallatin, which became quickly vacated upon their arrival. No battle took place at either location. See *History of the Church*, 3:162–63, and B. H. Roberts, *The Missouri Persecutions* (Salt Lake City: George Q. Cannon and Sons, 1900), 213–15. See also *U.S. Senate Document*, 21. It should also be observed that contrary to Avarð's assertion that Joseph Smith appointed Patten and Brunson commanders, Joseph held no commission or command in the militia at any time and had no authority to call out troops. *History of the Church*, 3:404. Hinkle corroborated that fact.

94. *U.S. Senate Document*, 3–4; *Missouri General Assembly Document*, 99–100. Porter Yates, the third witness who places Joseph Smith and Lyman Wight at Adam-ondi-Ahman, does no more than place them there.

95. *U.S. Senate Document*, 21; *Missouri General Assembly Document*, 107.

96. *U.S. Senate Document*, 22; *Missouri General Assembly Document*, 126; italics added.

97. “Circuit Court, Daviess County, Mo. in the Matter of State of Mo. vs. Joseph Smith Jr. via Evidence,” Missouri State Archives, Jefferson City, Mo. Copies of the transcripts in author's possession. Emphasis added.

98. “The Congress shall have Power:

“To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.

“To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years

“To provide and maintain a Navy.

“To make Rules for the Government and Regulation of the land and naval Forces. . . .

“To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.” (*United States Constitution*, Article 1, section 8, clauses 11–15). These clauses are known as “The War Powers.”

99. See footnotes 94 and 95.

100. The requirement of two corroborating witnesses for treason is unlike the probable cause needed for arson, larceny, burglary or receiving stolen property. That is, as shown in the *Bollman* and *Burr* opinions cited above, the two witness testimony of an overt act has to be provided *at the preliminary hearing stage*. Not so for other crimes. Testimony of just one witness may be relied on by the committing magistrate to find probable cause, and additional evidence may be supplied at the grand jury or trial stage. Even so, a persuasive argument could be made from what was received in Judge King's hearing that given the lack of any witness giving direct evidence tying Joseph Smith, Hyrum Smith, or Sidney Rigdon to any specific act of arson, larceny, burglary or receiving stolen property, such action would be equally untenable, had Judge King bound them over on such charges. That argument, however, needs to be tempered by the later experience that they and the other defendants underwent before the Grand Jury in Daviess County. At that hearing, they *all*, in various groupings, were indicted for arson, larceny, burglary, receiving stolen property, and so on, presumably on the basis of additional evidence adduced or supplied at that hearing.

101. *Missouri General Assembly Document*, 67.

102. *Missouri General Assembly Document*, 81–82. The governor apparently assumed that the *Burr* case was a state rather than a federal one and that, since Richmond and Blennerhassett Island were in different counties of Virginia, jurisdiction was not a concern in treason matters. As footnote 77 above notes, Burr was tried in federal court, and the whole state of Virginia comprised the federal district of Virginia.

103. In this petition, which asked for a writ of habeas corpus, Joseph Smith was joined by Alanson Ripley, Heber C. Kimball, William Huntington, and Joseph B. Noble.

104. This is the "council" in Caldwell County which Avarad testified about and which is quoted at length in the reproduction of his testimony above.

105. "Petition," March 10, 1839, Church Archives, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, question mark in transcript.

106. Pratt's codefendants were Norman Shearer, Darwin Chase, Luman Gibbs, and Morris Phelps. *Missouri General Assembly Document*, 150.

107. *History of the Church*, 3:264.

108. *History of the Church*, 3:421.

109. "Before leaving Missouri I had paid the lawyers at Richmond thirty-four thousand dollars in cash, lands, &c.; one lot which I let them have, in Jackson County, for seven thousand dollars, they were soon offered ten thousand for it, but would not accept it. For other vexatious suits which I had to contend against, the few months I was in the State, I paid lawyers' fees to the amount of about sixteen thousand dollars, making in all about fifty thousand dollars, for which I received very little in return; for sometimes they were afraid to act on account of the mob, and sometimes they were so drunk as to incapacitate them for business. But there were a few honorable exceptions." B. H. Roberts, *Persecutions*, 272.

110. *History of the Church*, 3:420; also printed in *Times and Seasons*, vol. 4, no. 16 (July 1, 1843), 4:255.

111. On June 25, 1844, Joseph Smith arrived at Carthage pursuant to the request of Governor Thomas Ford to be tried again on the charge of riot for

the destruction of the Nauvoo Expositor, a newspaper declared by the Nauvoo city council to be a public nuisance. Joseph and the other city council members had previously been twice acquitted of that charge by the Nauvoo city court and Justice of the Peace Daniel H. Wells (who was not then a Mormon) respectively. Upon arrival and posting bond to return for a later trial date on the riot charge, Joseph and Hyrum were newly charged with treason and were immediately incarcerated in the Carthage Jail. Efforts for a hearing to contest the legality of the new arrest or to obtain writs of habeas corpus were unavailing, and two days later they were killed in the jail by a mob. See Joseph I. Bentley, "Joseph Smith: Legal Trials of," in *Encyclopedia of Mormonism*, 3:1347.

Falling Leaves

Jane D. Brady

I remember a day in the fall of 2001. I had just finished teaching my Honors 200 class at BYU and was walking north across campus. There was a crisp chill in the air; I noticed some leaves on the ground which hadn't yet been sucked up by the grounds crew. Normally I would have been enjoying my favorite season, but my heart was heavy. I had stayed after class to talk to Andy about his paper. There were plenty of things wrong with it—it had grammatical errors, it was too short—but the essay itself had stuck with me. Surprisingly, it wasn't the fact that Andy had obviously lived through a difficult childhood that I found so disconcerting. There was a surprise ending in his narrative that had penetrated me. Throughout the essay Andy referred to a friend who helped to distract him from his childhood troubles at home. I felt protective towards this innocent-looking freshman boy with tousled blonde hair and averted eyes, and I was so glad to know that he had had at least one buddy with whom he could escape into the woods to play. Having a friend didn't make the abuse he went through acceptable, but it somehow made the suffering bearable. At the end of the essay, Andy told that many years later he asked his mom what had ever become of his friend. As she slowly turned around and looked him in the eye, it became clear to him that the one friend he'd had existed only in his mind.

As I kicked through some red leaves on the sidewalk, I thought of my friend Sasha. It was hard for her to even get out of bed. She did well to get dressed and then lay on top of the covers so she could at least appear to be up. The pain from her fibromyalgia was crippling her, and the doctors had just changed the combination and dosage of her pills for sleeping, waking, depression, appetite, and pain management. She weighed just ninety-nine pounds.

Earlier that week, her ten-year-old son, Matthew, had told her his greatest wish: that the two of them make cookies together after school. Sasha cried to me as she tried to convey her devastation over not being able to do that small thing for the son she loved so well. She talked of the Oreo cookie recipe she had set on the counter in the morning with some of the ingredients, and how she had even managed to put on some makeup that day. But by the time three o'clock rolled around, pain and exhaustion had overtaken her.

My son, Sam, helped me make chocolate chip cookies for them, and his help felt right. Somehow making those cookies together felt like a prayer of gratitude for the privilege of being able to give good gifts to my son. I told Sam about Matthew, and it helped diffuse my pain to share it with him. As I scuffed the sidewalk that fall day in 2001, it hit me how pathetic our offering had been—and not just because chocolate chip cookies seem common next to exotic homemade Oreos. Cookies weren't the point at all. Matthew just wanted his mom.

That year, with all of the destruction of September 11th, it was strange that I didn't feel pain over the planes crashing or people fearing the collapse of their building. What got me was imagining God that early morning, perhaps the only witness as a husband kissed his wife goodbye, a mother peeked in on a sleeping baby, a daughter yelled at her mom for butting into her life. How could He bear the pain of it all? Not the physical pain of bodies exploding and burning, but the pain of imminent loss, of grief, of despair, of loneliness. In that quiet dawn He was the only one who had to see the final goodbyes.

Finally I realized why I had linked my thoughts of Andy, Sasha, and the World Trade Center. How could God stand it? I get only a glimpse of pain through squinty eyes, and I can barely stand it. In Mormonism they hold up godhood as the supreme goal. I decided to increase my swearing and caffeine intake because I wanted none of it. A god has to see it all.

The next fall, Sasha died. Was someone there with her as she lay on the cold bathroom tile clutching her toothbrush? Did she have a guardian angel or a deceased grandma or even Christ himself to wrap his arms around her as she realized she'd be leaving her husband, her son, her parents? Did everything happen so quickly that the moment she felt the pain of her nose breaking she lost awareness of the separation that was to come?

This is what I remember about Sasha: cozy flannel pajamas with steaming cups of coffee imprinted on them. She tried to convince me that the pictured cups held hot chocolate until I pointed out the word *café* scrawled artistically in the pattern. Her eyes relaxed when she laughed.

I remember her eyes. I remember bony wrists, red slippers, Maui Maui smoothies I delivered. I remember how clean she liked things. I remember the way she sat in a chair. The first time I had seen her dressed in real clothes, she was wearing a light purple cotton shirt with dark purple flowers on it, tight-fitting jeans, even a toe ring. I was struck by her beauty. She looked pretty even without makeup and brushed hair, but her eyes had always scared me a bit with that far-off look that clearly stated she had gaped into the jaws of hell. But there she was: dressed and normal . . . and almost a mirror of me.

Sasha had been Relief Society president when she had her nervous breakdown. She was a full-time employee and a regular baker of cookies. And then one day she couldn't get out of bed. I had befriended Sasha because I was her visiting teacher, but my service wasn't simply altruistic. Whenever I helped Sasha, I satisfied a distant foreboding of my own future. It was like drawing a glass of ice water and setting it on the counter so that when my future self was dying of thirst, she might take a sip.

There's not a chasm between normal, functioning human beings and the bums on the street with no job and no life. There's one hair's breadth. Disaster is one step off the sidewalk. It is one migraine away.

I've always believed that the real miracles in life aren't the last minute snatches from death: the one house that is preserved in a tornado, or the car that is unbelievably unscathed in a crash. A miracle isn't the averting of danger or pain, it is the brilliant shaft of light that penetrates through the darkness of pain. It's a miracle when Roberto Benini insanely breaks the rules to play music over the loudspeaker in *Life is Beautiful*. It's a miracle that Andy's imagination gave him the gift of companionship when there was none to be found. A miracle is the cell phone call to say "I love you" when there's nothing else that needs saying; it's sitting on a front porch with Sasha—knees held up to her chest in pain but a smile at the corner of her mouth—and watching the sunset; it's picking up a perfectly symmetrical maple leaf and realizing it never would have turned red if it wasn't about to die.

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Terryl L. Givens. *By the Hand of Mormon: The American Scripture That Launched a World Religion*.

Oxford: Oxford University Press, 2002.

Reviewed by Daniel C. Peterson

The publication of Terryl Givens's *By the Hand of Mormon* by Oxford University Press represents a breakthrough in the history of Mormon scholarship. Like its impressive predecessor, *The Viper on the Hearth*, it offers a sympathetic approach to Mormonism that—with the distinct exception of the books on Mormon history issued by such presses as the University of Illinois, Alfred A. Knopf, and the University of Chicago—has had few precedents, if any, at so rarified a level of academic publishing.¹ This time, though, the sympathetic focus is on the primary Mormon scriptural text itself.²

It is one thing to treat the *history* of the Latter-day Saints with sympathy and with regret for their persecutions and sufferings in the nineteenth century. It is quite another for so elite a publisher as Oxford to treat Mormon *beliefs* respectfully, as worthy of serious intellectual engagement.³ (Oxford *requested* this manuscript from Terryl Givens, having been pleased with *The Viper on the Hearth*.) Open virtually any textbook on the history of the United States or, even more strikingly, on the history of American religion, and you will almost unfailingly find a brief synopsis of the life of Joseph Smith and a cursory summation of the coming forth of the Book of Mormon. You will then read a very concise but also more or less admiring account of the heroic pioneer trek to the Great Basin. But you will typically not find, even in books on the religious history of the American people, much curiosity about the actual ideas and claims that have motivated and provided life-structuring meaning for millions of Latter-day Saints over the better part of two centuries. At the annual joint meeting of the American Academy of Religion and the Society of Biblical Literature, the premier and by far the largest gathering of scholars focused

on religious history and religious ideas, Mormonism seldom receives any attention at all while whole sessions are devoted to such topics as the religious significance of Madonna's music videos and to small eco-feminist religious communes.

That's why the publication of this book—a book friendly to Latter-day Saint belief—by Oxford University Press is so exciting. And the icing on the cake is that *By the Hand of Mormon* is very, very good.

The late Roman Catholic sociologist of religion Thomas F. O'Dea famously (and accurately) quipped, "The Book of Mormon has not been universally considered by its critics as one of those books that must be read in order to have an opinion of it."⁴ Terryl Givens, who teaches English, comparative literature, and religious studies at the University of Richmond, in Virginia, has plainly read the Book of Mormon with great care and intelligence. Though a member of The Church of Jesus Christ of Latter-day Saints (he recently served as a bishop), he offers a reading of the Book of Mormon and the controversies surrounding it that will challenge and offer fresh insight to his fellow Latter-day Saints, to say nothing of those who have seen no value to be gained from consideration of Mormon texts and Mormon ideas.⁵

By the Hand of Mormon is divided into nine chapters. The first two cover the story of the coming forth of the book and survey its contents, in Givens's characteristically reflective manner. The third chapter explains the role that the Book of Mormon plays in the Latter-day Saint community as a sign and symbol of God's modern communication with humankind and of the calling of the Prophet Joseph Smith. The fourth, fifth, and sixth chapters offer a balanced survey of arguments for and against the antiquity of the Book of Mormon and of the attempt to determine a possible ancient setting for its narrative. Along the way, readers are briefly introduced to pivotal figures such as Hugh Nibley and John Sorenson as well as to the New World Archaeological Foundation and the more recent Foundation for Ancient Research and Mormon Studies (FARMS). Chapters seven and eight address the question of what, if any, doctrinal contributions the Book of Mormon makes. And, finally, the last chapter concisely summarizes the role of the Book of Mormon as a "cultural touchstone."

But a mere listing of chapters does little to exhibit the richness of *By the Hand of Mormon*. A necessarily brief review also cannot do justice to the book, but perhaps a few highlights might be helpful.

Givens argues that the Book of Mormon has been neglected by the Latter-day Saints, at least in a certain sense, virtually since its publication (240–41). And that neglect began with Joseph Smith himself. "It is remarkable but true," Givens observes, "that almost from the instant of its publication,

the Book of Mormon ceased to be the focus of Joseph's attention" (61). The Prophet seldom cited it in his sermons (193).⁶ Nonetheless, Givens insists on its crucial role in grounding "Mormon" identity. Despite the "shifting fortunes" of the book and its followers, whether it be "the gathering remarked as a curiosity by Dickens, the polygamy pilloried by preachers and politicians," or a host of other persecutions or triumphs, "from the start, the record bearing Mormon's name has served to identify and unify the Mormon people. Even those members who feel more cultural than doctrinal affinity to the church, even those Mormons who are oblivious to the sacred record's origins and teachings, cannot escape its power to name them and to shape the language of their religious culture" (242–43).

But the Book of Mormon emphatically did not form the identity of the Latter-day Saints by endowing them with a host of new and unprecedented doctrines. Rather, long-standing Mormon focus on the story of its coming forth and on the angelic manifestations connected with it suggests that "what it signifies as an event may be more important than what it actually says" (63; compare 187, 196). It has historically been more prominent as *signifier* rather than as *signified*. "The Book of Mormon is preeminently a concrete manifestation of sacred utterance, and thus an evidence of divine presence, before it is a repository of theological claims" (64; compare 235). Drawing helpfully upon the Russian critic Mikhail Bakhtin, Givens distinguishes between *authoritative discourse* and *internally persuasive discourse* and locates the Book of Mormon squarely in the former category. Unlike internally persuasive discourse, which exercises influence upon those who encounter it by its logical, rhetorical, or emotional power, authoritative discourse carries such authority with it from the start that the question of its internal merit is, at most, of secondary importance. Moreover, it must either be accepted or rejected in its totality, because it commands our assent and allows no picking and choosing. (See the discussion on pages 80–82.) This is plainly how Joseph Smith understood it, since, while he rarely commented on the contents of the Book of Mormon, he commonly told the story of its origin (85).

On those relatively rare occasions when it was cited in the nineteenth century, it was most commonly used to teach the doctrine of the gathering of Israel and of the imminence of the Second Coming (67). But even then it served as a sign of the gathering and as a sign of the Last Days at least as much as it taught *about* them.

Because of the Book of Mormon's perceived role as a symbol and illustration of divine involvement with the claims and history of Mormonism, establishing the truth about the origins of the Book of Mormon has long been deemed vital by both advocates and critics of the Restoration. And

the tale of the book's coming forth has presented its audience with a clear decision. Givens rightly emphasizes the roots of the Book of Mormon in what he repeatedly terms *artifactual reality*: "Referring to a book actually 'deposited' in the earth, and consisting of a physical, tangible medium—actual gold plates—lifts the revelatory experience beyond the nebulous stuff of visions and alters the whole dynamic of the religious claims Smith would be making" (12; compare 37).

The reports from various eyewitnesses of having seen and "hefted" golden plates, "directors," ancient breastplates, and "interpreters" force the issue of truth or falsity in a way that, say, the revelation of the Qur'an to Muhammad does not and leave no comfortable middle ground upon which to compromise (83). "Together they constitute perhaps the most extensive and yet contentious body of evidence in support of the tactile reality of supernaturally conveyed artifacts that we have in the modern age" (22). "The sacred relics are heralded by and connected with manifestations of a heavenly order," writes Givens. "But that cannot diminish the plain truth that the plates are material artifacts, as real, tangible, and rooted in history as any shards of pottery, and they are seen with 'natural vision'" (104). The plates were "buried in a nearby hillside, not in Joseph's psyche or religious unconscious" (42). "Joseph Smith and his revelations . . . simply do not cooperate" in anybody's project to metaphorize or spiritualize his claims. The manner of the coming forth of the Book of Mormon makes it "highly resistant to interpretive negotiation." Givens points out that other "visionary" writings, such as those of Jakob Boehme and Emanuel Swedenborg, could be "selectively appreciated" by ignoring the most problematic passages. The Book of Mormon, however, is "highly resistant to interpretive negotiation."

Those who want to salvage Joseph Smith's prophetic role . . . by avoiding what they see as the embarrassing ramifications of his naked prose or the fragility of the book's historical claims are hard-pressed to devise nonliteral readings of his discourse in order to recapture a little mystery and terror. The problem, of course, is that Joseph's prophetic writings were grounded in artifactual reality, not the world of psychic meanderings. It is hard to allegorize—and profoundly presumptuous to edit down—a sacred record that purports to be a transcription of tangible records hand-delivered by an angel. (79–80; compare 177–78)

The Book of Mormon must be accepted or rejected on its own terms. "When you get at the hard core of the situation, the Book of Mormon as an objective fact," wrote the atheist Utah historian Dale Morgan in a letter to Juanita Brooks, "there isn't any middle ground; it becomes as simple a matter as the Mormons and anti-Mormons originally said it was. Either

Joseph was all he claimed to be, or during the period at least of the writing of the Book of Mormon he was a ‘conscious fraud and imposter’” (155).

Of course, while the fundamental issue may be clear in principle, in practice the available evidence has been decidedly less clear, and the battle lines on this issue have shifted back and forth with the passage of time. Referring to the heady and triumphalist days of early Mormon arguments for the Book of Mormon as an explanation of the prehistory of the American Indian, “developments in professional archaeology outstripped Mormon efforts to muster the resources of science to Book of Mormon apologetics.” Though traditional Mormon beliefs about the indigenous people of the Americas seemed less plausible as time went on, a growing sophistication and plausibility in interpretation began to form (142).

Already in Joseph Smith’s own day (and probably in his own mind), notions about the original setting of the Book of Mormon were in flux. For one thing, the culture depicted in the Book of Mormon seemed to bear little or no comparison to that of the familiar Indians of North America (101). Givens shows, in passing, how Joseph’s own thinking may have moved from a hemispheric view of the Book of Mormon to one more focused on what is today known as Mesoamerica (90–91, 99, 101–4). Thus, the limited-geography hypothesis (associated most prominently with John Sorenson and FARMS), which situates the narrative of the Book of Mormon in a small area of Mexico and Guatemala, is no mere artifact of modern apologists and their scholarship.

That Givens has been influenced by some of this scholarship shows up, nevertheless, in his adoption of Sorenson’s important insight into the Book of Mormon as a “lineage history” of limited geographical and ethnic scope (52–53), with its corollary view of the Book of Mormon peoples as relatively small groups surrounded by others in their New World environment (127–28). Such influence also shows in Givens’s manifest sympathy—admirably disinterested for a native New Yorker, as Givens is (17)—for the argument that the Cumorah of the final Nephite battle is not the hill in which Moroni ultimately buried the plates (55).

Givens acknowledges the lack of clear New World archaeological evidence for the Book of Mormon but does not regard this lack as fatal to Latter-day Saint truth-claims. In this connection, he cites the Assyriologist André Parrot, who once noted with understated irony that “one hundred years ago in Mesopotamia, it was discovered that history lies behind the Old Testament” (89). The situation of having a text first and only much later finding material remains to support its historical assertions is scarcely unprecedented. As Israeli archaeologist Trude Dothan commented in a 1994 interview, “We didn’t even know there were Philistines

until we read about them in the Old Testament” (90). Moreover, as Givens notes, the secular argument for the narrative in 1 Nephi received a giant boost with the discovery in the 1990s of a pair of altars bearing inscribed references to the ancient Arabian tribe of NHM in the region of Book of Mormon *Nahom* (1 Ne. 16:34) and dating to the very time of Lehi—perhaps “the first actual archaeological evidence for the historicity of the Book of Mormon” (120).

But Givens, by training and profession a scholar of literature, may be most impressed by the qualities of the Book of Mormon text itself:

The naked implausibility of gold plates, seer stones, and warrior-angels finds little by way of scientific corroboration, but attributing to a young farmboy the 90-day dictated and unrevised production of a 500-page narrative that incorporates sophisticated literary structures, remarkable Old World parallels, and some 300 references to chronology and 700 to geography with virtually perfect self-consistency is problematic as well. (156)

“Only,” he writes, “in blithe disregard for the actual particulars of the Book of Mormon, its epic sweep, its narrative complexities, its etymological richness and substantial echoes of Middle Eastern literary structures and patterns were the simplistic and dismissive nineteenth-century countertheories of origin possible” (142–43).

Givens has read the Book of Mormon with careful attention to precisely those “actual particulars,” and *By the Hand of Mormon* sparkles with stimulating insights. To choose one example, Givens contrasts the relative optimism and hopefulness of the small plates with the pessimism of Mormon’s position in the balance of the record and with Mormon’s occasionally (but, given his own biography, perhaps understandably) rather grim emphasis on justice more than mercy (53–54). This is an important contribution to ongoing discussions of whether the Book of Mormon is the work of one modern author or of multiple, and distinguishable, ancient personalities.

Givens notes and, to a certain extent, grants the claim most commonly advanced by critics of the Restoration that the Book of Mormon contains few if any explicit references to many of the doctrines uniquely characteristic of Mormonism. There is, for instance, no express discussion of human deification (even though, in my opinion, 3 Nephi 28:10 offers a broad hint of it) nor of the various degrees of glory, tithing, the Word of Wisdom, baptism for the dead, the antemortal existence of human spirits, or eternal marriage. The Book of Mormon seemed familiar to those who first read it. “In fact, the accounts of early converts to Mormonism confirm that it was the congruence of Book of Mormon teachings with the New

Testament that dampened their objections to a new scripture and allowed it to affect their conversion for reasons other than doctrinal novelty or innovation” (186; compare 197).

But Givens offers a valuable warning to those who seek to reduce the Book of Mormon and Joseph Smith to mere products of the American environment in which they appeared. “Situating Mormonism in the context of related religious movements and developments of the nineteenth century,” he observes, “has become an increasingly popular historical enterprise.” But this useful historical approach can, he points out, be carried too far: “When considering the setting of Mormon origins . . . it is important to remember that the quest for cultural consistencies can undermine the very project of historical inquiry that attempts to assess the particularity of a given phenomenon.” In support of his contention, he cites John Gager, a historian of early Christianity at Princeton University: “If early Mormonism or early Christianity are merely warmed-over versions of mid-nineteenth or mid-third century culture, then we are at a loss to explain why these particular movements, and not their many contemporary competitors, not only survived but also flourished in such a remarkable fashion” (231).

Givens is manifestly underwhelmed by the environmentalist explanations offered to date. He cites Hugh Nibley’s paraphrase of the rule laid down by the great New Testament scholar Friedrich Blass “that whoever presumes to doubt the purported source and authorship of a document cannot possibly escape the obligation of supplying a more plausible account in its stead” (159) and makes it clear that no such account has yet been provided for the Book of Mormon. “In most of these studies, the Book of Mormon itself is considered only in terms of scattered ideas it contains, but not as a text whose very existence as a whole needs to be reckoned with” (167). Few would-be debunkers have been as frank as the late Dale Morgan: “With my point of view on God, I am incapable of accepting the claims of Joseph Smith and the Mormons, be they however so convincing. If God does not exist, how can Joseph Smith’s story have any possible validity? I will look everywhere for explanations except to the ONE explanation that is the position of the Church” (162, emphasis in the original).

Referring to a prominent non-Mormon historian at Brown University, Givens suggests a possible way for Latter-day Saints to understand and explain undeniable and broad areas of congruity between formative-period Mormon beliefs and certain religious tendencies observable in its early nineteenth-century environment. Noting the eschatological ardor of the first Mormon converts, considerably muted in the contemporary Church, Givens finds “plausible Gordon Wood’s assessment of the timely

fit between the Book of Mormon's publication and its cultural context: 'Its timing in 1830 was providential. It appeared at precisely the right moment in American history; much earlier or later and the Church might not have taken hold'" (71).

But the Book of Mormon's purported failure to offer innovative doctrinal content can be overstated. Givens cites a summary by B. H. Roberts of what Roberts saw as original contributions from the book. Among them is the definition of truth, the law of opposite existences, the cosmological doctrine that the universe splits into two categories "things to act and things to be acted upon" (2 Nephi 2:14), humankind's place in that division as agents that are to act for themselves, the doctrine that the fall of Adam was instrumental to a higher good, and a "master stroke" explanation of evil being "among the eternal things"—as eternal as goodness, law, or even intelligence itself—thereby offering a solution to the classical question of whether or not God can be held responsible for the rise of evil or the devil.⁷

"But most significant, [Roberts] found in Mormonism a distinctive doctrine of Christ and his atonement, 'derived almost wholly from the teachings of the Book of Mormon'" (198). (Givens sets out his own interesting reading of the Book of Mormon teaching on Christ's atonement on pages 205–7.) Givens himself points to "one of the most radical and pervasive themes in the Book of Mormon—pre-Christian knowledge of Christ" (199). "This centeredness on Christ, the Messiah, in a document purporting to have been written by New World Israelites over a period from the six centuries *before* Christ to AD 421 is certainly one of the more remarkable—and daring—features of the Book of Mormon, theologically" (46, emphasis in original). "For sheer number of references to Christ, the Book of Mormon is a scripture without parallel," he writes, citing studies that calculate a reference to Christ every 1.7 verses, perhaps occurring more frequently than even in the New Testament. "The irony of all this is that Mormons find themselves reviled as non-Christians by many fundamentalist Protestants while holding sacred not two testaments of Christ, but three" (199–200).

Possibly the most innovative portion of *By the Hand of Mormon*—as the author himself seems to recognize on page 234—is Givens's discussion of what he terms "dialogic revelation," which, by coincidence, he sees as one of the most significant and innovative contributions of the Book of Mormon and as a "radical challenge" to mainstream Christianity:

One finds in the Book of Mormon that prayer frequently and dramatically evokes an answer that is impossible to mistake as anything other than an individualized, dialogic response to a highly particularized question.

The conception of revelation as a personalized, dialogic exchange pervades the Book of Mormon—as well as the life of the Prophet Joseph—like an insistent leitmotif. It is firmly rooted in a radically anthropomorphic theology. (217–18)

This is propositional revelation, not merely (as in many forms of mysticism) an ineffable sense of oneness with the universe. “No shadowy spiritual intimations these, no merely intuited guidance or inspiration, but direct divine discourse that frequently rises to the level of genuine dialogic exchange” (219; compare 225, 232, 233). Furthermore, it is portrayed in the Book of Mormon as available not only to great prophets and leaders, but, democratically, to everyman (220–21, 223–24). And it can be received not only on the great issues of existence but, in many cases, for practical decisions in everyday life (225). Indeed, such personal revelation is essential to spiritual survival (227), and, in inviting its readers to settle the question of its own truthfulness through an appeal to precisely such private communication from God himself, the Book of Mormon has created a community that, like those described in its own pages, expects and relies upon direct divine guidance, not only institutionally but individually (228–29, 231, 235–36). “For millions of believers, the Book of Mormon has been the vehicle through which they could find their own sacred grove and reenact on a personal scale the epiphany that ushered in a new dispensation” (239).

In this context, Givens implicitly disputes the accusation leveled by many critics that Latter-day Saint faith, with its insistence on personal revelation and testimony, rests on virtually explicit irrationalism:

Personal revelation in the Book of Mormon’s model had the advantage of following upon, rather than substituting for, thoughtful consideration of the book. Religious experience that validated its truthfulness was not seen by early—or modern—converts as hostile to rationalism As Steven Harper demonstrates, “one finds the word ‘reasonable’ and its relatives used frequently by writers trying to describe what it was in Mormon theology that caused conversion in them.” (238)

This is a multifaceted book that sheds light on numerous aspects of Latter-day Saint belief and practice as well as upon the Book of Mormon itself. I’ve been strongly tempted to say that Latter-day Saints should purchase *By the Hand of Mormon* (perhaps even in bulk, for gifts) in order to support Oxford University Press and thereby to encourage the Press, through this book’s success, to publish more such volumes. But I’ve resisted that temptation. In any event, the exhortation is unnecessary. Latter-day Saints should purchase *By the Hand of Mormon* for themselves and for others because it is a profound book from which they and others will learn much.

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1. See Terryl L. Givens, *The Viper on the Hearth: Mormons, Myths, and the Construction of Heresy* (New York and Oxford: Oxford University Press, 1997). This study of anti-Mormonism and the construction of a threatening "Other" in (mostly) nineteenth-century literature seems, unfortunately, to have been neglected by both Latter-day Saint readers and Mormon booksellers.

2. Philip Barlow, *Mormons and the Bible* (New York: Oxford University Press, 1991), could also be seen as an important milestone, but its subject matter is considerably less path-breaking for a publisher like Oxford than is that of *By the Hand of Mormon*. Also noteworthy, though for very different reasons, is John L. Brooke, *The Refiner's Fire: The Making of Mormon Cosmology, 1644–1844* (New York: Cambridge University Press, 1994), a lamentable book that seems, fortunately, to have disappeared without leaving behind much of a trace.

3. We may, perhaps, be pardoned for hoping that at least a small trend is on its way. The conference "God, Humanity, and Revelation: Perspectives from Mormon Philosophy and History," which was held at Yale Divinity School on March 27–29, 2003, seems a hopeful sign, as do the stirrings of interest in Mormon studies at such places as Claremont Graduate School.

4. Thomas F. O'Dea, *The Mormons* (Chicago and London: The University of Chicago Press, 1957), 26.

5. Somewhat inexplicably, the fact that Terryl Givens is a communicant Latter-day Saint is nowhere mentioned in *By the Hand of Mormon*. It is possible that this represents a marketing decision by Oxford, but it exposes him to charges of not having been forthright.

6. His relative lack of interest in the Book of Mormon strikes me, incidentally, as a subtle indication that Joseph Smith was not its author. Had it represented his own thoughts and his own laboriously worked-out theology, one could reasonably expect him to have made more use of it. Instead, his behavior seems to be that of someone who has been handed something that he may not fully appreciate. A similar conclusion might be drawn from Joseph's notable failure, extending over roughly a dozen years, to grasp the revolutionary implications of the vision recorded in Doctrine and Covenants 76—a failure that is very difficult to understand if the revelation merely summarized his own views but is much easier to fathom if the content of the revelation was, as Latter-day Saints believe, bestowed upon him from a source external to himself. On the puzzling neglect of Section 76 by Joseph and other early Latter-day Saints, see Grant Underwood, "'Saved or Damned': Tracing a Persistent Protestantism in Early Mormon Thought," *BYU Studies* 25, no. 3 (1985): 85–103.

7. See Jacob 4:13, 5:59; 2 Nephi 2, 10:23; Alma 41:13, 42:16–17, 61:21.

Terryl L. Givens. *By the Hand of Mormon: The American Scripture That Launched a World Religion*.

Oxford: Oxford University Press, 2002.

Reviewed by Edward S. Cutler

Ambitious in concept and scope, Terryl L. Givens's *By the Hand of Mormon* is a unique study of the Book of Mormon, the founding scripture of The Church of Jesus Christ of Latter-day Saints. Unlike many academic treatments of the Book of Mormon, Givens's study seeks neither to defend nor to challenge the truth-claims inherent in the Mormon scripture and the story of its coming forth. It examines, rather, the reception of the Book of Mormon itself, both within and outside of Mormonism, throughout its more than 170 year history. This focus allows Givens to examine the various approaches—historical, archeological, philological, and doctrinal—by which commentators on the Book of Mormon have sought since its publication either to establish its legitimacy or to expose its fraudulence.

In Givens's view, these efforts at legitimization or exposé generally miss the mark; doctrinal or historical aspects of the Book of Mormon only partly account for its significance to Mormonism. To limit the Book of Mormon to its historicity or to its doctrinal message is to overlook its more dynamic, religion-building function as a sacred sign—the tangible manifestation of divine purposes in modern times. Givens posits that the most important implication of the Book of Mormon is that latter-day prophetic authority is made evident by the book's very existence, and this implication of authority has been a distinguishing religion-building function of the American scripture from the outset.

The first sixty pages of *By the Hand of Mormon* recount a history familiar to most Latter-day Saints. Chapter one covers the Second Great Awakening, Joseph Smith's First Vision, the visitation of Moroni, the eventual acquisition of the golden plates, the unusual process of their translation, Martin Harris's visit to Columbia professor Charles Anthon, Harris's loss of the 116 translated pages, and the testimony of the three and then the eight witnesses who viewed and handled the actual plates. The second chapter briefly summarizes the narrative structure of the Book

of Mormon and then details events surrounding its publication at E. B. Grandin's printing house.

That Givens condenses the more common aspects of the Book of Mormon history to two largely summative chapters indicates his interest lies elsewhere—in the reception of the Mormon scripture after its publication. Even so, he is careful to reference the more recent and interesting scholarship concerning the translation. He cites, for instance, the research of Royal Skousen, Milton Backman, and Stan Larson, who have written on the “homophonic miscues, or errors of the ear” in the original manuscript (such as “no” corrected to “know”). These and other textual clues indicate that the Book of Mormon manuscript was transcribed from oral dictation and not visually copied from an undisclosed source text, as some skeptics have speculated (31–32).

The first chapter also describes the unusual process of translation itself, in which Joseph Smith is reported to have regularly used a “seer stone” that he had discovered while digging a well the year before his first meeting with the angel Moroni (16, 34). Joseph would place the stone in the bottom of a hat and, while peering into the hat, dictate the text to his scribe. This secondhand account about the translation is not new, but it may be unfamiliar even to many Latter-day Saint readers, who commonly believe (in conjunction with various accounts from Joseph and his scribe) that the Urim and Thummim, the Hebrew “interpreters” Joseph found with the plates, were the primary instrument of translation. Givens later argues that the Urim and Thummim served as signs of priestly authority that connected Joseph Smith to the prophetic lineage of Moses and Aaron (83).

By extension, one may wonder, what function, symbolic or otherwise, does the seer stone serve? Was Joseph's earlier discovery of this stone a divinely sanctioned, preparatory step in his prophetic calling? Why is this seer stone largely forgotten in the contemporary Mormon imagination? Did the plates themselves not need to be viewed through the agency of the Urim and Thummim in order to translate them? Some may argue that firm answers to such questions are not to be found. Even so, Givens might have offered more interpretive commentary here, given the peculiar accounts about the seer stone and the role it may have played in the translation process.

After the second chapter, which summarizes the Book of Mormon's contents, *By the Hand of Mormon* turns attention to the various reactions to the book, both within Mormonism and outside it. In chapter three, Givens introduces a point he will develop throughout the remaining chapters: that the Book of Mormon is “preeminently a concrete manifestation

of sacred utterance, and thus an evidence of divine presence, before it is a repository of theological claims” (64).

The Book of Mormon’s function as an “ensign to the nations,” then, is about more than its content; the scripture’s marvelous manner of appearing also came to link Joseph Smith and the Church he founded to the divine purpose that its coming forth signifies. As the millenarian expectations of mid-nineteenth-century Mormonism faded, Givens argues, the association of the Book of Mormon with Joseph Smith’s sacred calling as a latter-day prophet was increasingly emphasized: “The wedding of sacred record to prophetic authority was even more profound, and it has been a connection that lasts to the present day” (82). This linkage between the Book of Mormon, Joseph Smith’s prophetic calling, and the Church he founded is a commonplace of many Latter-day Saint expressions of faith today. This associative logic exemplifies what Givens sees as the Book of Mormon’s function as divine evidence of God’s latter-day purposes, a function that goes beyond the narrative or doctrinal message of the scripture itself.

Because obtaining a spiritual witness of the Book of Mormon is basic to Latter-day Saint conversion, some readers of *By the Hand of Mormon* may be surprised to discover the extensive history of LDS research—from archaeological expeditions to computer analysis—aimed at authenticating the scripture. Why would a people so privileged with personal revelation be so concerned with substantiating this record? Givens portrays Book of Mormon research largely as part of an ongoing apologetics, as a tactical interchange with Mormonism’s critics. At the same time, he observes that credible scholars outside the Church have by and large ignored the Book of Mormon and that those criticisms launched by evangelical opponents of Mormonism are typically facile, erroneous, or long discredited, as even some evangelical critics of Mormonism have recently come to acknowledge (5, 143). “Under the burden of Mormon scholarship that is increasingly well credentialed, . . . the polemics of nineteenth-century preachers are no longer an adequate response,” Givens asserts (143). As one-sided as the cause comes to appear in *By the Hand of Mormon*, however, “the Book of Mormon wars” seem in good part to be shadow boxing. Latter-day Saint researchers appear to have been far more energetic in their efforts to legitimize the Book of Mormon than religiously motivated evangelicals have been in their efforts to discredit it.

Might Book of Mormon apologetics serve, then, as something more than a response to Mormonism’s detractors, perhaps even as a means of reinforcing faith or exploring concerns about Book of Mormon authenticity among Latter-day Saint believers? Givens indirectly addresses

this possibility, noting Austin Farrer's view that rationalist arguments have their place even for the faithful: "Though argument does not create conviction, lack of it destroys belief. . . . Rational argument does not create belief, but it maintains a climate in which belief may flourish" (118). Rationality and scholarship, from B. H. Roberts's questions about seeming anachronisms and nineteenth-century influences in the Book of Mormon to Hugh Nibley's tour-de-force reading of the text in light of ancient Egyptian, Hebraic, and Arabic semantic parallels, permeate the Mormon tradition. This search for "rational belief," as Givens terms it, reflects the initial "evidentiary spectrum" by which Givens argues the Book of Mormon plates were revealed to the chosen witnesses. The spectrum combines "supernatural vision" and "simple, tactile experience," for those three and then eight witnesses who were allowed to view or handle the plates (40).

The combination of spiritual *and* empirical substantiation may serve as a prototype of the Mormon view of faith; Givens suggests as much in a reference to the Book of Mormon prophet Alma's teachings about the interplay of faith and experiential knowledge in the development of spiritual understanding (117–18). Even so, Givens is careful to offer a caveat to those who would treat an object of faith as an object of scholarship: "If a sacred text presents itself as provable, it is by definition disprovable as well" (154).

Indirectly, *By the Hand of Mormon* illustrates something of the post-Enlightenment tensions surrounding the very category of "knowledge." Givens seeks to distinguish the almost tactile and empirical grounds of the Mormon faith experience from earlier mystical notions of divine experience. The appeal to an evidentiary spectrum is not uncommon in the nineteenth century. The Book of Mormon comes forth, after all, in an era increasingly characterized by juridical and forensic examination of truth-claims. The forensic impulse is reflected not only in the history Givens charts, but also at times in the very language by which he narrates this history. Describing the selection of Book of Mormon witnesses, for instance, Givens writes that Joseph Smith "was allowed to summon witnesses who left signed affidavits testifying to their contact with actual plates of gold" (38). Such language is strikingly juridical. Givens, however, wishes here to emphasize that the concrete, matter-of-fact treatment of miraculous things signals the uniquely Mormon departure from the ineffability typically associated with miraculous or mystical experiences.

The act of gathering witnesses and collecting affidavits itself connects to a broader cultural complex of nineteenth-century notions about probability and sufficient proof. If, as Givens suggests, emphasis upon witness testimony and tangibility did not inform conventional mysticism before

Mormonism, it should be noted that contemporaneous movements like American spiritualism were doggedly committed to forensic and quasi-scientific substantiation of the spirit manifestations in the early 1850s. The *United States Magazine*, for instance, offered a tongue-in-cheek commentary upon the odd materiality of the new spiritualism in 1856: "People see spirits thick as blackberries—they take hold of spiritual hands . . . and have bell ringers and rappers, so that they cannot tell which is the street door and which is the ghost."¹ One might claim that Mormonism's emphasis upon tactile experience signals an overthrow of the longstanding theological division of spirit and matter. It might equally be read as the adaptation of the spiritual to the evidentiary dictates of material science.

Regarding affidavits, it is also worth noting that Mormonism's detractors relied upon witness testimony to refute the Book of Mormon as readily as the Mormons relied on witnesses to substantiate it. Givens devotes little space to the Spaulding manuscript controversy, which is perhaps the most widely reported challenge to Book of Mormon authenticity in the nineteenth century. Yet the Spaulding controversy serves as a useful illustration about the limits of testimony in substantiating experience. Solomon Spaulding, a sickly minister living in Ohio, wrote a number of stories and romances in the early decades of the nineteenth century. As the Mormons migrated to Ohio, certain locals, including Spaulding's brother, were reported to have found the Book of Mormon narrative uncannily similar to an unpublished romance the minister had written some years before. In 1880, Spaulding's daughter, Matilda Spaulding McKinstry, submitted a sworn and notarized statement confirming the presence of Book of Mormon names in a romance her father enjoyed reading to family and friends: "Some of the names that he mentioned while reading to these people I have never forgotten. They are as fresh to me to-day as though I heard them yesterday. They were 'Mormon,' 'Maroni,' 'Lamenite,' 'Nephi.'"²

Givens dismisses the Spaulding theory because, in 1884, the manuscript believed to be the source in question resurfaced, showing no discernable parallels, and certainly no shared names, between it and the Book of Mormon. That this romance was not a Book of Mormon source makes the affidavits all the more remarkable; why would such a seemingly disinterested party as Spaulding's daughter—who could not recall even knowing a Mormon—remember so vividly that which she apparently had never witnessed? At some point, "suggestion" would appear to have become "experience." Direct and unambiguous testimony may thus offer a tactile counterpoint to the vagaries of mystical experience, but one may still wonder if such testimony finally aligns with the truth any more than does the mystic's claim.

The epistemological division regarding the nature of religious experience culminates in Givens's concluding look at the Book of Mormon's role in conversion. Notwithstanding the miraculous claims about latter-day angels, prophets, and golden plates, Mormonism has enjoyed unparalleled success in attracting converts. To understand this, Givens proposes, one must recognize the Book of Mormon's unique appeal to clear and direct personal experience of sacred matters, which he terms "dialogic revelation." The Book of Mormon's "real radicalism," he holds, is "the way it emphatically models, chronicles, and then enacts a version of divine discourse that contests prevailing theologies of revelation" (208). In the Book of Mormon, "revelation" is understood as "personalized, dialogic exchange," not a human encounter with the unseen essence of grace and mystery (217). Givens thus proposes: "The particularity and specificity, the vividness, the concreteness, and the accessibility of revelatory experience—those realities both underlie and overshadow the narrated history and doctrine that constitute the record" (221).

Although the Book of Mormon closes with a prophetic denouncement of the skeptical age in which it would come forth, Givens's view of dialogic revelation itself appears, again, uniquely suited to a subjectivity informed by expectations of the kind of evidentiary experience we might readily associate with a rationalist epistemology. Put another way, dialogic revelation, as Givens describes it, seems to produce the same experiential *impression* of specificity, concreteness, and vividness that positivism sets forth as the ground of a more sure knowledge. Givens does not represent dialogic revelation as the discursive extension of positivism, but his study is certainly suggestive in this regard.

It is difficult to find fault with a book so erudite and groundbreaking as *By the Hand of Mormon*. If a shortcoming presents itself, though, it is in Givens's representation of dialogic revelation and of the Book of Mormon story itself as constituting a kind of Mormon exceptionality in their appeal to the materiality and immediacy of divine things. Nineteenth-century cultural history offers various discursive parallels, beyond the two brief examples mentioned above. This is not to say that Mormonism is merely a product of its nineteenth-century cultural milieu; perhaps it is in reaction to such easy historicist reduction that Givens chooses not to explore certain contextual threads he might easily have taken up in his book. It is to say, rather, that if Mormonism's distinction lies in its appeal to a dialogic mode of religious experience, one that is alien to the mystical sublimities of the Christian tradition, greater care might have been taken to distinguish Mormon de-sublimation from the ongoing liquidation of mystery in other spheres of the post-Enlightenment, capitalist West. Without that

distinction, the question naturally arises: if Mormonism is distinguished from the Christian tradition by virtue of a certain de-sublimation, what preserves it from the banalities of the marketplace or from the debasement of imagination, from the unholiness of a world made glaringly explicit?

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1. "Ghosts," *United States Magazine* 3, no. 6 (December 1856): 530.
2. "The Book of Mormon," *Scribners Monthly* 20, no. 4 (August 1880): 615.

Jon Krakauer. *Under the Banner of Heaven:
A Story of Violent Faith.*
New York: Doubleday, 2003.

Reviewed by Laurie F. Maffly-Kipp

On the face of it, Jon Krakauer's latest piece of investigative journalism is a gripping and gruesome story of the men behind the 1984 murders of Brenda and Erica Lafferty in American Fork, Utah. Dan and Ron Lafferty, members of an upstanding Latter-day Saint family in Utah, had become involved in the world of Mormon fundamentalism. It was through their participation within this network of polygamous clans led by charismatic leaders that the Lafferty brothers became convinced that plural marriage should never have been abandoned, and it was also there they discerned that God had called them to kill the wife and infant daughter of their youngest brother, Allen.

Krakauer, a writer who has previously narrated accounts of high adventure on Mount Everest and in the wilderness of Alaska, clearly revels in tales of people who push the bounds of ordinary human experience. Accordingly, in this latest book he draws together research on the history of Mormonism, newspaper accounts of the murders, and interviews with both the convicted murderers and those connected with them, to render a dramatic and evocative description of the crime.

Yet as he also explains, his underlying motivation in taking on this assignment was to better "grasp the nature of religious belief" (333). The murder itself thus serves as an important culmination to a much larger story of how fervent religious faith—and specifically, in this case, Mormon faith—can lead to violent ends. How does religion beget both power and violence? In turn, how can a pluralistic society that affords freedom to many religious traditions adjudicate between piety and social pathology? All of these questions are important and worth asking. The problem is that Krakauer already has answers to those questions, and his biases get in the way of exploring the full range of circumstances surrounding the murders. As a result, ironically, he thereby misses opportunities to probe more deeply into the complexities of religious faith.

Less than the Lafferty brothers themselves, Mormon fundamentalists are the primary object of Krakauer's investigation. Traveling to southern Utah, he interviews inhabitants of the town of Colorado City, a largely polygamous enclave, exploring their patriarchal and racist politics, their antipathy toward the U.S. government, and their family practices. He also visits several disaffected members of these groups who have horrifying stories of abuse to tell. Yet the author slants the picture from the start through the language he uses to describe them and the implicit associations he draws. Although they are clearly connected in some instances, he conflates polygamy with child abuse, welfare fraud, racism, and western survivalism, as if they were all one and the same thing. Employing words such as "fire-breathing" (146) and "convoluted" (33) to describe the temperaments and practices of fundamentalist Mormons, Krakauer so exoticizes these inhabitants that it becomes nearly impossible to imagine how outsiders like the Laffertys might well be drawn to them.

Krakauer also implicates the LDS Church as a primary accessory to the murders. By crosscutting chapters about the murder with narratives of early Mormon history and interviews with contemporary Mormons, he invites the reader to connect the dots that cannot be linked through the evidence he offers. Moreover, his descriptions of present-day Saints bear a distinctly condescending tone, from details of the "ersatz fog" at the Cumorah Pageant in New York State to the RVs driven by pageant participants (he mentions the "comb-over" sported by one church member not once, but twice [65–66]). Mormons are "God-besotted" (204) at best, and Krakauer takes pains to indicate that for all their clean-cut orderliness and everyday American wholesomeness, the LDS approach to life disguises something darker. "Make no mistake," he insists, "the modern Mormon Church may now be in the American mainstream, but it usually hugs the extreme right edge of the flow" (331). The Mormon history he relates as background to the murders is also a decidedly selective one, highlighting the most violent episodes as if to suggest the inevitability of this crime.

There are several major flaws in his logic. First, in linking fundamentalist Mormons to the contemporary LDS Church, Krakauer has to downplay considerable evidence to the contrary. He dismisses out of hand the persistent claims (on both sides) that the two are only connected through a history from nearly a century ago and adherence to a common text (which they read very differently), or the fundamentalist adamancy that the LDS Church is heretical. He reports this evidence but follows much of the data with "nevertheless," or "but all the same," (5) as if to dismiss its relevance to the real truth of the matter. Yet his claims are roughly

analogous to arguing that Christians and Jews are really the same because they both read the Hebrew Scriptures, or that Protestants are in some way to blame for the sexual scandals in the Roman Catholic Church because they share a common history (which is considerably bloodier than the history of the Mormons). Ultimately, all of the associations Krakauer wants to make are inferential.

Moreover, those associations distract from equally important issues. By portraying the inevitability of violence within the Mormon tradition, by juxtaposing a brutal murder to the “peculiar obsession with blood and vengeance” (277, quoting Will Bagley, *Blood of the Prophets*) he finds in early Mormon history, Krakauer leaves almost totally unexplored the larger American tale of religious intolerance and persecution that led to this violence. Would early Mormons have been similarly driven to violence without the continuous and systematic harassment they endured at the hands of the United States government? Indeed, all of the other features of Mormon faith that he outlines—schismatic tendencies, mystical practices, apocalyptic beliefs, and restorationist leanings—can be found in full measure in other religious traditions. The major distinction lies in Mormon persecution at the hands of federal authorities, motivated by imperial claims on Utah territory—treatment that eventually (although not initially) led to a deep-seated suspicion of outsiders and a fear of further attacks. To see the Mountain Meadows massacre, for example, only as an episode that “exemplified the fanaticism and concomitant brutality of [Mormon] culture” (208) is to leave out at least half—and possibly the precipitating half—of the story. Pointing out this omission does not constitute apology for any acts of violence by Mormons in the past, but it does force one to ask whether religion as such is really the primary issue here. As Krakauer himself briefly mentions (but fails to pursue) at the conclusion of the book, the “blood atonement” (308) practiced by the U.S. government in the form of the death penalty may better explain an ideology that sanctions violence than do the actions of nineteenth-century Saints.

What, then, ultimately led to the murder of an innocent woman and her child? Although Krakauer singles out Mormons for vilification, members of that church should not feel alone. In his view, the real culprit is religious faith itself. In the introduction he expresses his conviction that belief in God is fundamentally irrational and its culminating logic is violence (xxi). He is fascinated by believers for the same reasons that he finds mountain climbers or wilderness adventurers intriguing—they are people who push the envelope. In this case, that is the envelope of rational behavior. “All religious belief is a function of nonrational faith. And faith, by its very definition, tends to be impervious to intellectual argument or

academic criticism” (68). For the author, there is an essence of groundless conviction inherent in religious belief, a “dark side to religious devotion” that, irrespective of social, political, economic or other factors, leads in some cases, “predictably,” to evil deeds (xxi).

One could surely take issue with this caricature of the anti-intellectual zealot. But my frustration is that Krakauer’s own convictions (his faith in secularity?) blind him to so many other questions and avenues of exploration. His own faith, a faith in secularity as a tempered antidote to religious fanaticism (a term that is, for Krakauer, ultimately a redundancy), obscures a nuanced discussion of the complexities of religious faith and its relationship to other potential precipitants. This book is well-crafted and compelling, but it misses the opportunity to investigate the many factors that undoubtedly motivated the Lafferty brothers. What roles did poverty, child abuse, family dynamics, drug abuse, or state-sanctioned violence—all of which were prominent features of their lives—play in shaping their worldviews? Was religious faith a causal factor or simply an idiom for the expression of feelings generated by something else? Is it possible that fundamentalist Mormons are not guilty of causing this murder but are culpable of tolerating other forms of violence? A singular focus on religious extremism, and a narrative in which early Mormon history inexorably culminates in murder, has to explain away too many other things. Krakauer cites Mikal Gilmore, the journalist and younger brother of Gary Gilmore, who elucidates the violence of his sibling by discussing child abuse, family history, and many other factors that present a complex portrait of how and why some people turn to violence. Would that Krakauer could have seen beyond Mormonism in his own quest for enlightenment.

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Grant Hardy, ed., *Enduring Ties:
Poems of Family Relationships*.
South Royalton, Vermont: Steerforth, 2003.

Reviewed by Lance Larsen

Recently, a seasoned poetry editor of a national magazine with a circulation of 500,000 admitted he didn't much care for poetry anthologies. It wasn't the poems he minded (thank goodness), so much as the sometimes awkward umbrellas under which the poems were forced to gather. "Not another anthology," one can imagine him groaning. A visit to almost any bookstore will reveal a plethora (he might say "glut") of poetry anthologies. Anthologies focusing on love, baseball, sunning cats, patriotism, vampires, knitting, left-handedness, you name it. Enough already. Like that grumpy editor, I usually find myself looking elsewhere for my poetry fix: to single-author collections emphasizing context and unity, at one extreme; or to magazines, at the other, where the circumstance of reading a poem tends toward the haphazard and serendipitous.

And yet, part of me thrills at the prospect of a new anthology: the distillation of so much lived truth in one place, the opportunity of being carried away by some editor's magpie reading, the chance to see what kind of cosmos a particular group of poems will constellate. When *Enduring Ties: Poems of Family Relationships*, edited by Grant Hardy, crossed my desk, I was curious, but a little suspicious. With a title like that, I was sure to find earnest poems, but would they be good? As I scanned the table of contents, I was happily surprised. Here were poems I had admired for years alongside translations I had never read. I sat down to read with greater care and a more open mind. As Hardy himself explains, "This anthology began as a folder in a file cabinet" (1) bearing the rubric of "Favorite Poems" that went public only after he discovered there weren't any anthologies quite like it. Lucky for us Hardy is not just an ardent reader, but a discriminating one as well. (As a side note, I might mention that this is the same Grant Hardy who recently published *The Book of Mormon: A Reader's Edition*, the much touted study version of the Book of Mormon—published by the prestigious

University of Illinois Press, but marketed, among others, to mainstream Mormons who frequent Deseret Book.)

So what kinds of poets will one find in *Enduring Ties*? Hardy serves up an eclectic mix of wordsmiths: Chinese masters, Homer and Sappho, a selection from Psalm 78, a sampling of metaphysical poets from the seventeenth century, nineteenth-century American watershed poets such as Dickinson and Whitman, a few Romantics, as well as Victorians, Modernists, and Nobel giants. Clearly, then, the anthology canvasses the canon for deserving poems about family, but it also looks forward. In fact, an informal tally on my part suggests that more than half of the poems were first published after 1950, which according to some definitions would make this a contemporary anthology. To sum up, here the past and present mingle together intriguingly.

Though *Enduring Ties* is a relatively slim volume, containing fewer than 200 pages of poetry, the editor has been especially solicitous of readers, providing not just an introduction, but an index, a seventeen-page appendix on poetic form, as well as contextualizing footnotes. And who are Hardy's intended readers? Perhaps foremost are those seeking clarity and insight through poetry who are underexposed to the tradition. For accessibility and unity, Hardy has organized the poems into seven sections: "Growing Up," "Marrying," "Childbearing," "Parenting," "Growing Older," "Parting," and "Inheriting." For those readers interested in seeing how a suite of poems traces a larger narrative or metaphoric pattern, this organization will work well. It will also prove helpful for those readers who want to zero in on poems of a chosen subject. For those who prefer less editorial intrusion and who lean toward hopscotch reading, the section breaks may prove a distraction, but not a serious one, because the individual selections are of such high quality.

What pleases me most about the selections in this anthology is that, though they tend to give the best possible spin to family life, they do not retreat from difficulty. Once again, it may be worth quoting Hardy, whose aim is to provide "a celebration of family life, an affirmation of the worth of those relationships in which we have invested so much of ourselves. Yet it conveys these sentiments without sentimentality" (1). "Without sentimentality" is the operative phrase here. I would define sentimentality as unearned emotion, the most common failing of poems that seek, but fail, to move us. Perhaps a comment by Donald Barthelme, the great postmodern short story writer, speaks to the point: "Art is not difficult because it wishes to be difficult, but because it wishes to be art." To his credit, Hardy has chosen poems that juggle with success, art, difficulty, *and* celebration.

Take for instance Edward Hirsch's "Infertility," a poem about a couple struggling to conceive. Rather than artificially resolve every lingering question, or worse, present the couple with a pair of twins in the last stanza, Hirsch offers up, with great honesty, the couple's shifting perspectives. Though some readers may find the open-endedness of the closing lines unsatisfying, to my mind the narrator's extreme honesty constitutes a sort of beleaguered faith, the poem itself a prayer:

We'd like to believe that we have planted
And tended seeds
 in their honor,
But the spirits never appear
 in darkness or light.
We don't know whether to believe in their non-existence
Or their secrecy and evasiveness,
 their invisible spite.
Maybe it's past us, maybe it's the shape of nothing
Being born,
 the cold slopes of the absolute. (64–65)

Alongside the above poem, likely new to most readers, one finds mid-twentieth-century gems, such as Robert Hayden's "Those Winter Sundays," in which a speaker looks back on childhood and remembers his father. What distinguishes this poem is that Hayden does not shy away from contradiction. In the same breath he acknowledges "the chronic angers of that house" *and* the service his father performed in shining "with cracked hands" his children's shoes and making "banked fires blaze." Not until his own adulthood does the narrator fully recognize the debt he owes his father. The poem ends with these haunting lines: "What did I know, what did I know / of love's austere and lonely offices?" (31). A lesser poet might have favored extreme depictions, converting the father into some otherworldly ideal or demonizing him for "the chronic angers," rather than working the much more interesting middle ground. For me, Hayden's poem dovetails nicely with King Benjamin's sense of gospel service: we are all imperfect, all "beggars" and "unprofitable servants" (Mosiah 4:19; 2:20–21). Though we may fail in our doing, we must keep on doing.

In a review this short, all I can do is point to a few felicitous moments in a handful of poems and hope they represent. To this end, consider Anne Bradstreet on marital love: "If ever two were one, then surely we. / If ever man were loved by wife, then thee" (47). Or this anonymous twelfth-century Sanskrit poet describing separation: "climbing like / bad monkeys

to the windows” (50). Or Sylvia Plath addressing an unborn child: “Love set you going like a fat gold watch” (72). Or Kobayashi Issa, a nineteenth-century haiku poet, alive to wonder:

Crawl, laugh
Do as you wish —
For you are two years old
This morning. (145)

Or Anne Bradstreet again, this time on leaving a book of her poems, “your living mother’s mind,” to her children: “Make use of what I leave in love, / And God shall bless you from above” (164). Or finally, Ben Jonson on the death of his son: “Here doth lie / Ben Jonson his best piece of poetry” (146). In these last two quotes, one senses life breaking into art, or is it art breaking into life? Of course there is no definitive answer, only effect: that of sending us from poems to more authentic living and back to poems.

To sum up, this is an anthology I heartily recommend. It succeeds where most values-based anthologies—Christian, Mormon, or otherwise—fail. Too often the injunction in the Doctrine and Covenants about seeking learning out of the best books (D&C 88:118) gets interpreted in simplistic or opportunistic ways. Poetry, if it makes anyone’s Best Books List, more often than not turns out to be mere verse—bromides and clichés served up with a singsong meter and heavy-handed rhyme. In Hardy’s volume, by contrast, you will find poems that are poems first, and values-centered texts only incidentally. If you care about both aesthetics and values, this is not a compromise, but rather a needful hierarchy. These poems, nearly all of them, live up to Matthew Arnold’s description of the best literature: “sweetness and light.” It is an anthology suited for many kinds of readers, but especially those interested in both instruction and delight, not necessarily in that order.

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A Widow's Tale: The 1884–1896 Diary of Helen Mar Kimball Whitney, transcribed and edited by Charles M. Hatch and Todd M. Compton (Utah State University Press, 2003)

“I feel very feeble” (47), wrote Helen Mar Kimball Whitney on November 23, 1884, the day after her husband, Horace K. Whitney, passed away. “There has been nothing left undone that love & friendship could administer” (47), she added the following day, nearly two weeks after beginning the journal that she would keep for the next twelve years. The thirteen consecutive diaries, housed at Utah State University and the LDS Church Archives and published by Utah State University, capture an intimate view of Mormon home life in late-nineteenth-century Salt Lake City. A portrait emerges of a woman who tenaciously maintained a firm matriarchal role amid changing religious and social mores in a tenuous transition period that included the 1890 Manifesto and culminated in Utah’s statehood.

Whitney’s 1884–1896 diaries make public her personal experiences as a widow struggling with difficult health, family, and economic issues, and her writing discloses her religious strength. The editors provide a detailed introduction, explaining Whitney’s extensive family network and analyzing the physical, social, and mental concerns plaguing this woman. The back matter includes a helpful bibliography, subject index, and register of names.

This chronicle of Whitney’s daily life records conversations, contemplations, dreams, and memories, with numerous references to people and past events. She notes her traveling, speaking, and social engagements, often for the women’s Relief Society, all of which imply an intricate web only alluded to in the diaries. She also

privately ruminates over the plight of her physical ailments and family problems. When added to her memoirs and articles in the *Woman’s Exponent* and the *Deseret News* and to her pamphlet defenses on plural marriage, *A Widow’s Tale* gives further dimension to the life and times of this complex woman and gives us an integral piece of the history of nineteenth-century Utah.

—Jennifer Reeder

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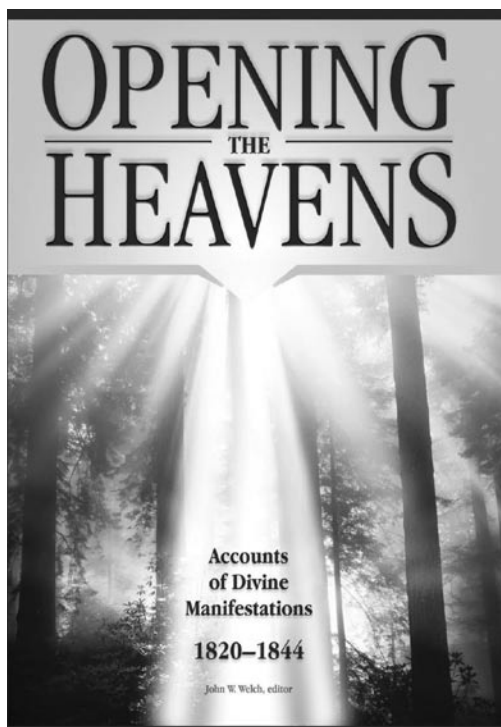
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