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2022

The Utah Affairs of the 1800s

HOW THE DEFIANCE OF THE MORMON PEOPLE WAS
EXPRESSED BY THE ATTITUDES OF FEDERAL OFFICIALS IN
UTAH
PRESTON HAMMERSCHMIDT

The second half of the 1800s was one of the most important eras in all of American history. It is filled with bloodshed, great political movement, heroic actions, and sorrow. The Civil War was fought due to many factors including the ending of slavery and states' rights. The Republican Party of 1856 ran on the ending of the Twin Relics of Barbarianism. These relics are the issues of slavery and polygamy. The party looked to push a more radical agenda and end both of these relics. While many people know about the Civil War and end of slavery, polygamy is overshadowed. The question of polygamy in the late 1800s parallels the issue of slavery in that it became linked to issues of popular sovereignty as well as Church versus State questions. The overshadowing of this issue and the subsequent Utah Affairs covers up one of the most important power struggles in the west. Although the Civil War temporarily overshadowed the struggle taking place in Utah, nevertheless the federal government dispatched Federal officials to the Utah territory, albeit without the military support necessary to enforce their authority. In their correspondence and reports back to Washington, these federal employees made their case for the importance of their work, which was to stamp out polygamy. Perhaps more importantly, it was to subdue the Mormons of the Utah Territory to Federal authority. These federal employees described events in Utah and the Mormons involved by using language that reflected their attitudes about federal authority and those who defied it.

Scholarship on this part of American History focuses on the Civil War and Reconstruction, although some attention has been given to the Utah Affairs and their implications for U.S. history more broadly. In *Unpopular Sovereignty: Mormons and the Federal Management of Early Utah Territory*. Brent M. Rogers focuses on the idea that the Utah territory was an emerging battleground for questions of popular sovereignty. He does this by discussing the history of the territory and how its territorial leader, the leaders of the Latter-Day

Saints began to take control. The church officials did so by asserting popular sovereignty as a means of maintaining their right to exercise polygamy. In *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-century America*, Sarah B. Gordon looks at the affairs in Utah with a Church versus State lens. She highlights this series of events in the region as the “second most contentious political issue of the nineteenth-century.”¹ Her book begins after the Civil War and focuses on the time from 1877 forward. A documented history of the courts in Utah from the 1830s to 1900s is covered in a third book. This book is titled *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830–1900* by Edwin Brown Firmage and Richard Collin Mangrum covers just such subject area. This book seems to take a look at the subject matter in a way more aligned with the Mormon people. Drawing from the reports written by Federal Officials in the Utah territories, the study will illuminate how the tensions between the expanding federal government and the desire of Mormons in Utah to resist federal control played out. In doing so, it will show that, while the Civil War limited the Federal government’s ability to carry out its aims in Utah, Federal Officials on the ground in the territory felt an urgent need to extend federal authority in Utah and over its people. The abolition of polygamy was the overall goal of federal government in the territory. This was just as the case with slavery in regard to maintain control over the American South.

The Mormon people first moved to this region in 1847 when mounting conflicts with neighbors in Illinois caused tension. Brigham Young led the first group of Mormon pioneers to Salt Lake City. He later become the leader of the Church of Latter-Day Saints (LDS or Mormon Church) and even governor of the Utah territories. However, at this time the area was part of

¹ Gordon, Sarah Barringer. *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America*. United States: The University of North Carolina Press, 2003.

Mexico and would be until the Treaty of Guadalupe Hidalgo was signed after the Mexican American War. Despite the move to Utah, the Mormon people continued to find themselves at odds with America. The U.S. government was not so fond of the practice of Polygamy, as during this time America was becoming more progressive. President James Buchanan, during the late 1850s, found this issue to be too much. He planned a supposed Utah Expedition of armed forces. For the LDS church, they feared the worst in a possible attack and began to get defense ready. Small skirmishes occurred, but nothing serious was noteworthy. However small or insignificant this supposed war may have been, it then created a greater tension between the LDS people and the U.S. government that provides context for future disdain.

The papers used from the collection are all from federal officials in the Utah Territory. What is most notable and to be remembered throughout the analysis of the documents is the period in which they were written. It is important to note the key figures who write to President Lincoln and their position. The first two letters come from Governor John W. Dawson: a former representative of Indiana. The second set of letter writers are associate judges of the Utah supreme court, these men were Thomas J. Drake and Charles B. Waite. The third letter comes from Stephen S. Harding, who became Governor after Dawson.

The U.S. federal government passed the Morrill Act for the Suppression of Polygamy in 1862.² This act was passed due to the platform on which the Republican Party had been running on since 1856. The party then ran on the idea of the dismantlement of the “Twin Relics of Barbarianism”. The Morrill Anti-Bigamy Act “outlawed bigamy and overturned the incorporation into the Mormon church in Utah.”³ However the passing of this law caused

² It became more commonly referred to as the Morrill Anti-Bigamy act of 1862

³ R.Vile, John. “Morrill Anti-Bigamy Act of 1862.” Morrill Anti-bigamy Act of 1862. Accessed October 31, 2022. <https://mtsu.edu/first-amendment/article/1040/morrill-anti-bigamy-act-of-1862>.

tensions in Utah to rise as the Mormon people saw it as a way to control them, thus the Utah Affairs began. The term Utah Affairs and the Mormon question both are used to describe the issues the federal government is having with the Mormon people.

Federal Officials Encounter Resistance

John W. Dawson was one of the first federal officials since the Utah War in the 1850s to face Mormon hostilities. Dawson was in office as the governor of the region for just three weeks before he was relieved of this role. This was due to rising tensions with the Mormon people in the region. As John W. Dawson was leaving the territory, he ran into trouble. His carriage was stopped by a group of bandits who brutally beat the one-time governor. This act of physical violence occurred on the 9th of January of 1862. The governor wrote a letter to Lincoln regarding this very instant later as he recovered from the injuries and went on to describe the event. The Library of Congress added an annotation to the letter saying, “The Danites were reputed to be a secret organization within the Mormon Church that purged spies and disaffected members from the Church.”⁴ The annotation was added as it was suspected from Union siding officials and other folk that the attack was performed by a group of Danites rather than bandits. This attack may have been due to a possible issue with a Mormon woman, Mr. Dawson had. One may also see it as a coincidence that the leader of the LDS church, Brigham Young, was the original governor. It may seem there was hostility not just from this small group but the entire population of Utah who were Mormon due to the relieving of Young as Governor.

⁴ Lincoln, Abraham. *Abraham Lincoln papers: Series 1. General Correspondence. 1833 to 1916: John W. Dawson to Abraham Lincoln, Monday, Affairs in Utah Territory.* 1862. Manuscript/Mixed Material. <https://www.loc.gov/item/mal1397800/>.

Before John Dawson left office and the attack occurred, there was a meeting of Mormon people in Salt Lake City. Dawson claims that the meeting was to “prepare to call a convention for forming a constitution and state government.”⁵ This meeting was done as a way to prepare for the territory to become a state. This had been a topic of conversation in the area and continued to be so for many years to come. During this period, the Union is already in the midst of a Civil War and speculation supported by Dawson’s letter supports the idea that, if the Union decline said state government and request the Mormon leadership be inclined to fully break federal ties with the U.S. Hostilities in the area began to escalate as the people of the region look to discredit the governor. A newspaper titled *The Desert News* wrote an article that miscommunicated the events of his leaving. The paper includes this was a simple group of bandits looking for money. Comparing this to the annotation of the Library of Congress, there is an obvious bias in the newspaper’s article. This bias supports the frustration that Dawson writes with. When he begins to write of this newspaper article, he becomes defensive and nervous in his writing style. As he continues to write, his writing becomes more stressed or even alarmed in a way. He then becomes suspicious of the Mormon people that there may be a conspiracy at work. John Dawson writes that there is a sense of “insidious disloyalty breathed through the whole.”⁶ Finally, he gets to the point of his letter to Lincoln: he wants to explain what really happened. As the letter continues, Dawson discusses the issues in Utah. He writes this excerpt regarding Federal officials in Salt Lake City.

There is not a federal officer at Salt Lake City who dares to represent the truth in writing — for fear of being found out & life hazzarded— No officer who takes issue with them — right

⁵ Lincoln, Abraham. *Abraham Lincoln papers: John W. Dawson to Abraham Lincoln*

⁶ Lincoln, Abraham. *Abraham Lincoln papers: John W. Dawson to Abraham Lincoln*

or wrong is safe Why sir lawlessness prevails everywhere— the federal courts are shorn of their power by legislative action by which nearly all power is conferred on Mormon Probate courts.⁷

John Dawson's letter to Lincoln is astounding, it begins with a discussion of the attacks on himself and quickly dives into an idea of conspiracy, describes the affairs as a border subject of Mormon defiance of federal authority. Dawson continued to discuss for two pages the possible dangers present. When including the violence he witnessed as a victim, it shows that there is a lack of respect for the government. He uses words like treason, disloyal, and dangerous to describe the Mormon people. Mr. Dawson never fully explains what these people may do or how they are disloyal specifically; this is besides the violence he faced by the band of Danites. He only really states that there is a plentiful amount of Federal army goods and other national property that are only lightly guarded,⁸ thus the goods are easily reachable should a mob want to take them. John Dawson shows in his letter that he is nervous about the affairs in Utah. He is so nervous that he brings up the federal goods that could easily be taken. This point is made by Dawson to explain to the federal government that they are a bit exposed out in Utah. Although Dawson cannot support his claims well, it will be just over a year later that others become weary of the power and threat the Mormon people may cause.

Associate judges Thomas J. Drake and Charles B. Waite wrote to Lincoln March 6th, 1863. The letter echoes the same sense of hostility that Dawson talked about. Once again, words like "treason" and "traitorous" are used throughout the letter. Yet again, there is a meeting of the Mormon people in Utah. At this meeting, it is apparent that Brigham Young spoke in a tone that was "offensive and traitorous. His speech was very incendiary and

⁷ Lincoln, Abraham. *Abraham Lincoln papers: John W. Dawson to Abraham Lincoln*

⁸ Lincoln, Abraham. *Abraham Lincoln papers: John W. Dawson to Abraham Lincoln*

revolutionary.”⁹ This was not the only time Drake or Waite spoke of the Mormon people in this way. It seems they are now the second and third federal officials to see the Mormon people in this light. Unlike the other official, Waite and Drake seem to discuss all the power and thus dangerous force the Mormons may have. The pair of judges write that Brigham Young has a vast control over the majority of people in the territory much like a monarch. This power that Young wields in the territory could be dangerous for a multitude of reasons including leaving the Union. The use of this power against the government as suggested by Dawson may cause waves in the Civil War that the federal government does not want. Specifically in the letters, it is written that Young’s “power is less limited and checked than that of any monarch in Europe.”¹⁰ What really provides support to the claims that the Mormon people are dangerous to the government is what occurs in the courts. The Utah Territory is made up of mostly Mormons, and because of this, the juries are made up of the Mormon citizens. Under the influence of the President of the LDS, people seemed to not have the court’s best interests at heart.

The associate judges bring up the case of Judge John Cradlebaugh in 1859. In this case, Judge Cradlebaugh was proceeding over a few cases in which he and his two associates felt the jury was not able to indict the perpetrator of a crime. Judge Cradlebaugh was cited in the letters as saying the following excerpt.

To crown all, the grand jury, sworn to perform a high public duty, has lent itself as a willing instrument to this organized opposition to the laws of the country, and refuse to meet its

⁹ Lincoln, Abraham. *Abraham Lincoln papers: Series 1. General Correspondence. 1833 to 1916: Thomas J. Drake and Charles B. Waite to Abraham Lincoln, Friday, Affairs in Utah Territory; with depositions by Francis Long and A. L. Harding.* March 6, 1863. Manuscript/Mixed Material. <https://www.loc.gov/item/mal2225100/>.

¹⁰ Lincoln, Abraham. *Abraham Lincoln papers: Drake and Charles B. Waite to Abraham Lincoln*

obligations; A most willing inclination has been manifested to prosecute Indians, and other persons not Mormons, while Mormon murderers and thieves are allowed to go unpunished.¹¹

In this quote the head judge is specifically saying that the jury who is made up of Mormons directly let their fellow church members go despite crimes. The Anit-polygamy bill focuses' on the banning of polygamy in the Union and its territories. However, it seems apparent that the passing of this act had little to no effect on the people of this territory. In fact, the two judges bring up that "Brigham Young himself, has, within a few weeks, taken a young wife."¹² This action directly shows the people of Utah that the federal government has little to no control in the territory. This lack of control is evident as the federal officials in the territory do not prosecute him. It also shows that the head of the LDS church had little interest in cooperating with the bill created. It is safe to think that if the Mormon juries were willing to let Mormons who were criminals go free, they also were willing to ignore federal laws. This defiance causes the Judges many feelings that align with John Dawson. Their letter begins to feel more nervous and anxious than before. The feeling of these officials was supported by specific instances that occurred in public. They state that "Judge Waite has been stopped upon the street, and his life threatened if he did not resign."¹³ Once again, the violent intentions of the Mormon people are shown towards federal officials.

The intentions of the Mormon people to the officials causes them to believe there is no power in Utah above that of Young and the church. This is an issue as the territory is controled and managed by the federal government. Due to the war, this issue is worse as the government is preoccupied and gives much authority to the officials on site. Waite and Drake specifically

¹¹ Lincoln, Abraham. *Abraham Lincoln papers: Drake and Charles B. Waite to Abraham Lincoln*

¹² Lincoln, Abraham. *Abraham Lincoln papers: Drake and Charles B. Waite to Abraham Lincoln*

¹³ Lincoln, Abraham. *Abraham Lincoln papers: Drake and Charles B. Waite to Abraham Lincoln*

mention encounters in which said authority was outright ignored. The attack on John Dawson also shows that the attitudes and fears of these officials is warranted. Because of these fears, the associate judges are on guard, pushing for some kind of federal support; in their eyes, this was to be “at least Five Thousand men, well armed, equipped and provided.”¹⁴ When John Dawson wrote about the treachery and possible danger the Mormon people stood, there was no thought as to what exactly this could be. With the addition of the letter from Drake and Waite, the scene becomes more clear. The danger posed is both physical in altercation and almost anarchist in the targeting of the disruption of the courts. It seems too that Young’s power and influence is being used more than it was in 1862. The escalation of hostilities by Young and his followers makes the case for the changing attitudes of the officials in Utah.

The final set of letters came Governor Stephen S. Harding, who was appointed in March of 1862 just two months after Dawson wrote. Harding is notably an abolitionist from Indiana, which may explain why the Mormon people came into conflict with the new governor. These conflicts continued to spread from just the disdain of the Mormon people to others not of the LDS church. This new letter was written just five days after that of Judges Waite and Drake. In this letter, Harding writes to William H. Seward, the Secretary of State. Stephen Harding tells Seward he is writing due to a recently sent petition to remove him from office. This letter comes from the Mormon citizens who wish himself, Thomas Drake, and Charles Waite removed from their seats in Utah. The letter is even written about in a few local newspapers. Since the last set of letters by Drake and Waite were sent, the tensions in the region were rising insurmountably. Harding explains that “no Federal officers here, can perform his duties faithfully to the government, without incurring the displeasure of Brigham Young: And his displeasure, is that of

¹⁴ Lincoln, Abraham. *Abraham Lincoln papers: Drake and Charles B. Waite to Abraham Lincoln*

all his followers.”¹⁵ Harding begins his letter by discussing the reach that Brigham Young has on the hearts and minds of the Mormon people. Importantly during this time, Young’s ability to use his stance to gain power in the region is rising. As more and more people and businesses come through or establish themselves in the area, his power over non-Mormon folk grows. One of a few nationwide mail companies even comes under the eye of Young. Stephen S. Harding brings up an issue being had with the Overland Mail company and its employees such as the assistant treasurer of Mr. Frank Cook. Harding suspects that Mr. Cook has been swayed to dislike the current governor by Young. This is because “the Company which he represents is dependent to a great extent on Brigham Young for Hay and Grain, necessary to run the Mail line in this Territory.”¹⁶ Soon he turns once again to the federal officials in the region, adding “that no man can be popular with Brigham Young who holds a Federal office, unless he can be used to advance his own personal ambition,”¹⁷ thus once again pointing towards the reach of Brigham Young. Harding’s frustration in the later bit of 1863 shows the progression of issues between federal authority and the Mormon people.

Federal official’s attitudes have changed over this year even more so then between 1862 and March of this year. Waite and Drake expressed their frustration with the inability to do their jobs. Even more so now, the governor of the territory is finding it impossible for any federal employee to do their job appropriately. With each year and letter to Lincoln, matters get worse and worse. The Mormon leadership has been able to push their authority to a point in which federal power is at a minimum. This is so much so that the courts do not work in a fair and

¹⁵ Lincoln, Abraham. *Abraham Lincoln papers: Series 1. General Correspondence. 1833 to 1916: Stephen S. Harding to William H. Seward, Wednesday, Affairs in Utah.* 1863. Manuscript/Mixed Material. <https://www.loc.gov/item/mal2235200/>.

¹⁶ Lincoln, Abraham. *Abraham Lincoln papers: Stephen S. Harding to William H. Seward*

¹⁷ Lincoln, Abraham. *Abraham Lincoln papers: Stephen S. Harding to William H. Seward*

righteous way as written by the constitution. There is no fear in the region that the treasonous ways can be punished. This feeling is expressed by a number of officials whom all become nervous for the state of the affairs in the region. This sense is elevated even more so when recalling that the Union is in the midst of a war. A question comes to mind, just how much is Lincoln willing to hear before action occurs? The answer may seem to be now, just how much more of the outright defiance of federal laws and practice be taken in a U.S. territory. How many more pleas for help by employees of the Union must be written to get help?

This question is not as simple as it may seem. As brought up a few times, the importance of this question and the entire idea of the subject is the period. The time in which these letters have been written is critical to understanding the subject matter. The Civil War is in full swing by the time John Dawson writes, and the letters sent in early March are merely two months before the battle of Chancellorsville and Gettysburg in July. In the Drake and Waite papers, the Library of Congress interjects with an important annotation, “it has been said that Lincoln could not afford to be preoccupied with disaffection in Utah.”¹⁸ They even add a quote saying Lincoln ““had little interest in conducting more than one crusade at a time.”¹⁹ With these in mind, it seems President Lincoln only wants to fight one fire at a time. This idea becomes more evident as it seems Lincoln and Young came to an agreement that the Morrill act could be ignored so long as the Mormon people stayed away from the Civil War.²⁰ This secret deal goes undiscussed with the officials in Utah but explains why their letters seem to fall on deaf ears.

¹⁸ Lincoln, Abraham. *Abraham Lincoln papers: Drake and Charles B. Waite to Abraham Lincoln*

¹⁹ Arrington, Leonard J., and Davis Bitton. *The Mormon Experience: A History of the Latter-Day Saints*. Urbana: University of Illinois press, 1992.

²⁰ Firmage, Edwin Brown, and Richard Collin Mangrum. *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-Day Saints, 1830-1900*. Urbana: University of Illinois Press, 2001.

This idea becomes even more solid when one recalls that Governor Dawson was relieved from his appointment just three weeks in and Governor Harding too was released in June of 1863. It seems President Lincoln's plan may be just to appease the vast majority of Utah citizens who happen to be a part of the LDS Church, and one might think this is to wait them out for after the war. This constant turnover of officials and appeasement of the people explains the lack of events or proof of hostilities, this being despite the pleas for support by said officials. Unfortunately, Lincoln never saw the chance to bring this region in line due to his assassination. With this, a Democrat came into office and their party did not run on the dismantling of the Twin Relics of Barbarianism. So, who would be the champion of this forgotten relic, and could they finish what Lincoln hoped to by passing the Morrill Anti-Bigamy act of 1862?

Reconstruction in the West

After the Civil War, many more radical republicans looked back to the relic of barbarianism that was not touched by the war. In 1866, Senator Benjamin Wade attempted to get another act passed targeting polygamy. This one looked to destroy polygamy and the strength of the church. The bill did not pass, most likely due to its church and state nature.

The progression of these ideals for the Federal government and people who did not associate with the LDS Church became more prominent as the Transcontinental Railroad drew closer to completion in 1869. Paralleling these thoughts, Brigham Young doubled down on his defense of polygamy and his followers' ways. In a conference in Utah, Brigham Young spoke to others and told them to "avoid trade with outsiders; and even to boycott non-Mormon establishments."²¹ This was to be reiterated by Church leaders throughout the territory. The

²¹ "Civil War's Aftermath: Reconstruction, Abolition, and Polygamy: Religious Studies Center."

completion of the railroad occurred in Utah on May 10th of 1869. In this same year, a new president could take office. The agenda of the next president in regard to polygamy in Utah could have been due to many factors. This may include the desire to finish the dismantlement of the Twin relics of Barbarianism, the finishing of the railroad, or even personal disdain. No matter the case Ulysses S. Grant, a great war hero seemed on the war path again, this time with his target being polygamy in the west. Ulysses S. Grant was elected President in March of 1869 and with this polygamy and the Mormon people of Utah might finally be tamed. The Republican Party backed by their war hero president began on a new war path. In 1869 Senator James Mitchell Ashley also attempted to pass a bill. This aimed to dismantle the territory and give parts of it to other states or territories, again it went unpassed. This same year Senator Arron H. Cragin attempted to put a bill into law that “provides that citizens only of the United States shall be competent to serve as Grand or Petit Jurors, in the Territory of Utah.”²² This law minimized skewed court decisions like those that Judge Cradlebaugh spoke of in the Drake and Waite papers. Much like the last two this bill was also not passed.

The final failed bill was created by Shelby M. Cullom in 1870. His bill looked to target once again the courts in Utah as well as the power held by Brigham Young. Washington correspondent of the Chicago Tribune George “Gath” Alfred Townsend was able to speak to Mr. Cullom about the bill where he said the following:

My purpose is to pass a bill which shall make it work: first, by 'putting the polling of grand and petit juries entirely in the hands of the United States Marshals, instead of permitting the Territorial officers to interfere, as now; and., secondly, to break the power of Brigham Young

²² “POLYGAMY.; Senator Cragin's Bill to Suppress the Practice.” The New York Times. The New York Times. Accessed November 22, 2022.
<https://www.nytimes.com/search?query=POLYGAMY.%3B%2BSenator%2BCragin%27s%2BBill%2Bto%2BSuppress%2Bthe%2BPractice.>

and the leading spirits in the Mormon Church. To do so, I have proposed in the bill to move upon polygamy with all the force of Federal authority”²³

Further along in this interview, Mr. Cullom did express that this bill was radical in nature. Based on the nature of the affairs in Utah, the bill’s radical nature may be necessary. Looking back on the struggles that Judge Cradlebaugh faced, it is easy to see how necessary a bill like this became. The people of America seemed to be at their wits’ end with the matters in Utah as the *Chicago Tribune* continued to discuss the disdain for polygamy. The *Chicago Tribune* wrote that “The people of the United States, outside of Utah, are morally and politically responsible for Mormon polygamy”²⁴ and even refer to it as a form of bestiality. The consistent actions of the federal government and the words of the newspapers seem to support actions needed in Utah. Grant began in 1870 by naming John Wilson Shaffer Governor of Utah, he served from March 20th to October 31st of the same year. Shaffer was determined to carry out Grant’s policy for the dismantlement of rebellion in the territory²⁵. During his time in office; he faced Brigham Young and one of the apostilles, Daniel E. Wells. Wells was at the time the Mayor of Salt Lake City and with the permission of Young wanted to be the Lieutenant-General of the Utah Militia. In reaction to this wish by the Mormon officials, Governor Shaffer said the following.

²³ Gath. “The Polygamy Question (Mr. Cullom’s Anti-Polygamy Bill and Its Author—Hooper, the Utah Delegate—Opinions about the Bill, Pro and Con),” February 22, 1870. <https://jstor.org/stable/community.31326249>.

²⁴ “The Abolition of Polygamy (Mr. Cullom’s Anti-Polygamy Bill),” April 19, 1870. <https://jstor.org/stable/community.31321999>.

²⁵ “John Wilson Shaffer.” History to Go, June 2, 2020. <https://historytogo.utah.gov/john-wilson-shaffer/#:~:text=John%20Wilson%20Shaffer%20was%20born%20in%20Lewisburg%2C%20Pennsylvania%2C,Grant%20named%20him%20governor%20of%20Utah%20in%201870>.

By the provisions of the Organic Act, the Governor is made the Commander in Chief of the Militia of the Territory, and, as long I continue to hold that office, a force so important as that of the militia shall not be wielded or controlled in disregard of my authority²⁶

This in turn put Shaffer in a spot where, much like others before him in his position, he was hated by the Mormon people. A Union correspondent wrote on April 22nd of this year that there was an “impending crisis” and it was “visible and palpable to everyone, and the ‘irrepressible conflict’ so long foretold has in reality commenced.”²⁷ During this time, the Cullom Bill looked on track to be passed. With this, the government could feel rebellion or some kind of aggression from the Mormon people. General Sheridan was sent to the region along with General Custer and the 13th regiment as a precaution.²⁸ In addition to these military groups, there had been many others that were to be stationed in the region for periods of time including the 9th and 13th infantry.²⁹ Both Generals and their respective groups as well as the previous infantry units were used as deterrents while resting before moving into territories to the north and the Indian territories.³⁰ Sometime before this bill could be passed, it was reported more than 3,000 women protested in Salt Lake City against it.³¹ This helped to prevent the passing of the bill. The federal government also felt their power in the region take a blow when the abrupt death of Governor Shaffer came about. At his funeral, a gathering of Mormon people made their feelings evident. The crowds were reported to have shouted words of disrespect and indecency towards the family and friends of the late governor. Once again America bears

²⁶ “The Late Gov. Shaffer and the Mormons,” November 16, 1870.

<https://jstor.org/stable/community.31322706>.

²⁷ U. “Letter from Salt Lake,” April 22, 1870. <https://jstor.org/stable/community.31323377>

²⁸ “Letter from Salt Lake,” April 22, 1870.

²⁹ “Letter from Salt Lake,” April 28, 1870. <https://jstor.org/stable/community.31326441>.

³⁰ U. “Letter from Salt Lake,” May 12, 1870. <https://jstor.org/stable/community.31323356>.

³¹ “Civil War's Aftermath: Reconstruction, Abolition, and Polygamy: Religious Studies Center.” Civil War's Aftermath: Reconstruction, Abolition, and Polygamy | Religious Studies Center. Accessed November 22, 2022. <https://rsc.byu.edu/civil-war-saints/civil-wars-aftermath-reconstruction-abolition-polygamy>.

witness to a federal official being on the back end of disdain from the people of Utah. With this and the past trauma of the Civil War still being felt, the Cullom Bill was not passed. Ulysses S. Grant appointed a new Judge named James B. McKean as the Chief Justice of the Utah Territory. Grant sent him with one goal, to root out polygamy using the Anti-Bigamy act of 1862. Over the next year, McKean denied citizenship to those who practiced polygamy.³² The Judge was not done with his goals and go after a bigger fish in 1871.

On October 2nd of 1871 at 4 o'clock in the afternoon, Brigham Young was arrested along with Mayor Wells. Both were being arrested for Bigamy and brought to Camp Douglas. On the 29th of the same month, over 100 visitors went to see Young and his constituents.³³ The men were to be jailed for a short time before their release. The actions of the federal government's officials in the region were not to go unnoticed. A correspondent in Utah for the Union wrote an article that contained a story of physical violence between Mormons and a federal official.

A row occurred late last night between a Mormon and a United States deputy-marshal, which resulted in the marshal knocking the Mormon down and afterwards arresting him. It was reported that an attempt was made to assassinate the deputy³⁴

This newspaper quote shows the escalation of hostilities between the two parties. Unlike what occurred when Lincoln was in office, the Union could handle this issue. The Republican run government is not at war and has shown its devotion to this topic. The Civil War and with it one relic of barbarianism had fallen, and the U.S. is ready to topple the next.

³² "Civil War's Aftermath: Reconstruction, Abolition, and Polygamy: Religious Studies Center."

³³ "The Mormon Question Immense Meeting at Salt Lake City—Elder Cannon Counsels Non-Resistance, and Promises the Help of the Lord—Elder Pratt Not So Conservative; Reported Flight of Brigham Young," October 30, 1871. <https://jstor.org/stable/community.31321829>.

³⁴ "The Mormon Question Immense Meeting at Salt Lake City—Elder Cannon Counsels Non-Resistance, and Promises the Help of the Lord—Elder Pratt Not So Conservative; Reported Flight of Brigham Young," October 30, 1871. <https://jstor.org/stable/community.31321829>.

The following year saw a great change in the way polygamy in Utah played out. A convention met to prepare a state constitution in order to get Utah admitted as a state in early January.³⁵ This was done unknowingly of Governor Woods. Without the knowledge and consent of Congress, the territory has no right to create said constitution. That same month, Congress made it abundantly clear to the Mormon people that they “would never submit to the admission of Utah as a State unless a clear prohibition of their cherished practices was embodied in their Constitution.”³⁶ This message put the final nail in the Mormon people’s constant conversation of a transition to statehood. This was not the last the Church of LDS said on the subject. They full-heartedly believed the abolition of polygamy was a church matter and thus could not be a federal matter due to the constitution. A series of cases were filed and argued under the Bigamy act of 1862. In this hearing, it was said that “if the Supreme Court decides against the Mormons in the cases to be presented, they will give up polygamy.”³⁷ The Supreme Court mentioned is that of the Utah Territory. The presentation of these cases took the rest of the year to play out.

On February 11th of 1873, the Supreme Court concluded in the favor of the Mormon people and thus polygamy. The courts declared that proceedings going after polygamy at the time were unlawful under existing federal statutes³⁸. Just a few days latter Ulysess S. Grant wrote to Congress regarding the current state of affairs in Utah. He writes in regard to the proceedings by the Utah Supreme Court which support the polygamy of the Mormon people. President Grant makes his worries for conflict between Federal and Territorial officials well

³⁵ “Utah Territory Subtitle: Shall It Become a State? Veto of the Proposition by Governor Wood; Great Excitement and Indignation in the Legislature,” January 29, 1872. <https://jstor.org/stable/community.31326138>.

³⁶ “The Mormon Problem,” January 20, 1872. <https://jstor.org/stable/community.31325972>.

³⁷ “The Utah Courts,” June 22, 1872. <https://jstor.org/stable/community.31326610>.

³⁸ “The President’s Utah Policy,” February 11, 1873. <https://jstor.org/stable/community.31321682>.

known. These officials included Mayor Wells and other elected officials and Mormon leaders, while the Federal officials included those appointed by the Federal government. He highlights his concern for conflict by discussing the possible need for military intervention should Congress adjourn without a bill being drafted. He specifically says, "I earnestly recommend that Congress at the present session pass some act which will enable the District Courts of Utah to proceed with Independence and efficiency In the administration of law and justice."³⁹ Even 14 years after Judge Cradlebaugh voiced his frustration with actions in the courts, similar issues are still occurring. Other newspapers write about the message from Grant speaking about the need for more intervention. Interestingly, one newspaper writes about how LDS leaders are considering alternative options to bowing to federal laws. It seems rumors began that another pioneering expedition, and rumors even spread in the Utah Territory of negotiations to buy the Sandwich Islands.⁴⁰ This may have been true as the LDS church already had a firm missionary system set up in the islands.

The federal government spent the first half of the 1874 drafting another bill targeting polygamy and the affairs in Utah. On June 23rd of 1874, the Poland Act of 1874 was passed.⁴¹ The bill looked drastically different to target three different issues in the Utah territory. The first was the ability to better prosecute people under the Morrill Act. This was done by adding laws on how the justice system operated in Utah. This was done by eliminating territorial marshals and attorneys who tended to be a part of the LDS church or be swayed by the leaders of the church. U.S. marshals and attorneys were then given these jobs. The new law gave U.S. district

³⁹ Grant, Ulysses S., 1852-1929. "Threatened Conflict in Utah" (The Federal Courts Treated with Defiance and Contempt by the Mormon Authorities—A Message from the President," February 19, 1873. <https://jstor.org/stable/community.31325945>.

⁴⁰ Grant, Ulysses S., 1852-1929. "Utah Territory: Tribulation of the Mormon Leaders," February 18, 1873. <https://jstor.org/stable/community.31321686>.

⁴¹ This would go on to be known as the Plural Marriage Prosecution Act of 1874 or Anti-Bigamy Prosecution Act of 1874

courts jurisdiction over the Utah territory. The change effected was in both civil and criminal cases. This act altered the way grand and petit juries were organized; this included the exemption of polygamists in said juries. The federal government was able to do this as the act of bigamy was already banned in the territories by the Morrill act. This second act implemented by President Grant was a major building block on the previous act in 1862. The Poland act added more court powers to the federal government as well as funding to prosecute polygamy. While this is a massive step for the Republican Party, it is worth remembering Lincoln's concerns at the time of the Morrill act's passing. The Civil War caused the Union plenty of stress, and Lincoln seeing this and the volatile tensions in Utah made a great political move. President Grant visited the Utah Territory in 1875 and had his ideas on a determined policy confirmed. Ulysess S. Grant was adamant about treating the Mormons still practicing polygamy as those who "intentionally disregarded the laws of the country."⁴² In this same year, Brigham Young was arrested once again

President Grant will leave office in 1877 and during the last two years of his presidency the Utah affairs will slow down. The story of polygamy and Utah's fight for statehood continued through the rest of the 1800s. However, the dismantlement of Twin Relics of Barbarianism finally saw a light at the end of the tunnel. A campaign that started in 1856 by the Republican Party saw a long history filled with ups and downs. For many years during the 1860s, it looked as if this issue was going to be unresolved. Abraham Lincoln purposefully kept his focus off polygamy and Utah to focus on winning the Civil War. Due to his death and the presidency of Andrew Johnson, the matters continued for a few more years. This was until the election of war hero Ulysess S. Grant, who became the champion of the Republican Party and finally brought

⁴² "The Mormon Question" (President Grant Decides Upon a More Determined Policy)," October 27, 1875. <https://jstor.org/stable/community.31326132>.

the long overdue demise of the Twin Relics of Barbarianism into fruition. As discussed, Grant was able to help pass legislature focusing on the root of problem. This problem was the structuring of the courts that favored Mormon control in the region. By restructuring the courts to become federally controlled, it allowed for the effective prosecution of polygamists.

The Utah Affairs did not just touch on the structing of the courts and self-government, but how popular sovereignty affected the area. In the 1850s the US government granted the rights to this ideal on matters of slavery.⁴³ This right was pushed by the Mormon people of Utah as they hoped to include the ability to self-govern. This hope was done in hopes of protecting polygamy once they entered statehood. In Brent Rogers book, he quotes Senator Doulas in saying the Mormons "only sought statehood to 'protect them in their treason and crime, debauchery and infamy.'"⁴⁴ This conflict of the application of popular sovereignty is what kicked off the affairs in the Utah territory. It also explains why the Poland Act of 1874 had to include the change of powers from territorial leaders to federal officials.

The second major conflict with the laws and the Utah territories occurs on the basis of a Church versus State question. Throughout the story of the LDS church and their association with polygamy, it becomes evident that the church and this belief are intertwined. The big question that Gordon urges that the essential question for the U.S. government was how we prosecute and outlaw the act of polygamy without making it a religious practice. President Grant as well as other government officials may have cited a sermon from Dr. John Philip Newman in 1870 as the reason it is not a church matter. Dr. Newman was a Bishop in the 1800s who spoke on this

⁴³ Alexander, Thomas G. *Montana: The Magazine of Western History* 67, no. 2 (2017): 85–87.
<http://www.jstor.org/stable/26322824>.

⁴⁴ Brent M. Rogers. 2017. *Unpopular Sovereignty: Mormons and the Federal Management of Early Utah Territory*. Lincoln: University of Nebraska Press.
<https://search.ebscohost.com/login.aspx?direct=true&AuthType=sso&db=nlebk&AN=1425113&site=ehost-live>.

matter. He stated in a sermon that “polygamy never was sanctioned, and that the Bible gives no support or countenance for the practice.”⁴⁵ In attendance was President Grant, Vice President, Colfax, and Chief Justice Chase. The specific legality of the Morrill and Poland acts were not challenged for a few years. There was a thin line that the American government was running on when passing these bills in the name of law and order. Based on arguments made through the period, the order side of things may have pushed aside the legality of the separation of church and state.

The affairs in Utah between 1860 and 1875 are easily one of the most overshadowed historical topics in American history. The basis of this story rests on a forgotten Relic of Barbarianism, this being polygamy. Its twin has caused war and bloodshed unmatched in American history. For this history, there have been countless books written on it and the politics that cause it. The polygamy and Mormon questions have been discussed in fascinating ways over the years. Gordon writes about how the government walked a line of separating church and state while prosecuting this. Brent M. Rodgers writes about the period before the war where and how popular sovereignty kicks off the affairs between the LDS church and federal government. Firmage and Mangrum discuss the history of the legal battles that the church faced.

These topics and books are fascinating, but all stay separate from one another. By bringing these topics together and looking at the events during the Civil War and Reconstruction, it is apparent there is an overshadowed piece of American history here. This history easily could content with the causing of the Civil War as one of the most intricate political histories. The move Lincoln made of keeping a hostile group out of the war while setting a legal trap to unfold in the future is reminiscent of an intricate Chess move. Ulysess S. Grant gained the presidency

⁴⁵ U. “Letter from Salt Lake,” May 12, 1870. <https://jstor.org/stable/community.31323356>.

and is able to pick up where his one-time Commander and Chief left off. His determined policy and actions between appointment and the passing of the Poland Act of 1874 was perfect. The events that unfold go under told in American history and deserve more spotlight.

The most fascinating part of the story within this history is the those of the federal officials in Utah. Their letters account the defiance of federal authority in the territory by the Mormon people. These employees' attitudes express their worries of an escalation of violence along with other issues. Each man asks for support from the federal government by means of troops. Rogers specifically states that Utah "illustrated the continued, contested and unstable nature of local sovereignty at the conjunction of state formation and territorial management."⁴⁶ The attitudes expressed through the letters to Lincoln show the hostility of the Utah affairs.

⁴⁶ Brent M. Rogers. 2017. *Unpopular Sovereignty : Mormons and the Federal Management of Early Utah Territory*

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