

THE UTAH WAR

By Don Fallick

Those who fear big government persecution today often have the reputation of being paranoid, even crackpots. Yet there is plenty of precedent for such a fear. Apologists may point out that officially sanctioned persecution “only” involved minority races, as though this somehow made it acceptable. But there is a large group of mostly white, U. S. citizens who were victims of federal government policy, to the extent of a legally declared war and officially sanctioned extermination ... and nobody remembers. The victims were followers of a religious leader whose policies and activities seemed to attract persecution.



Joseph Smith Jr.

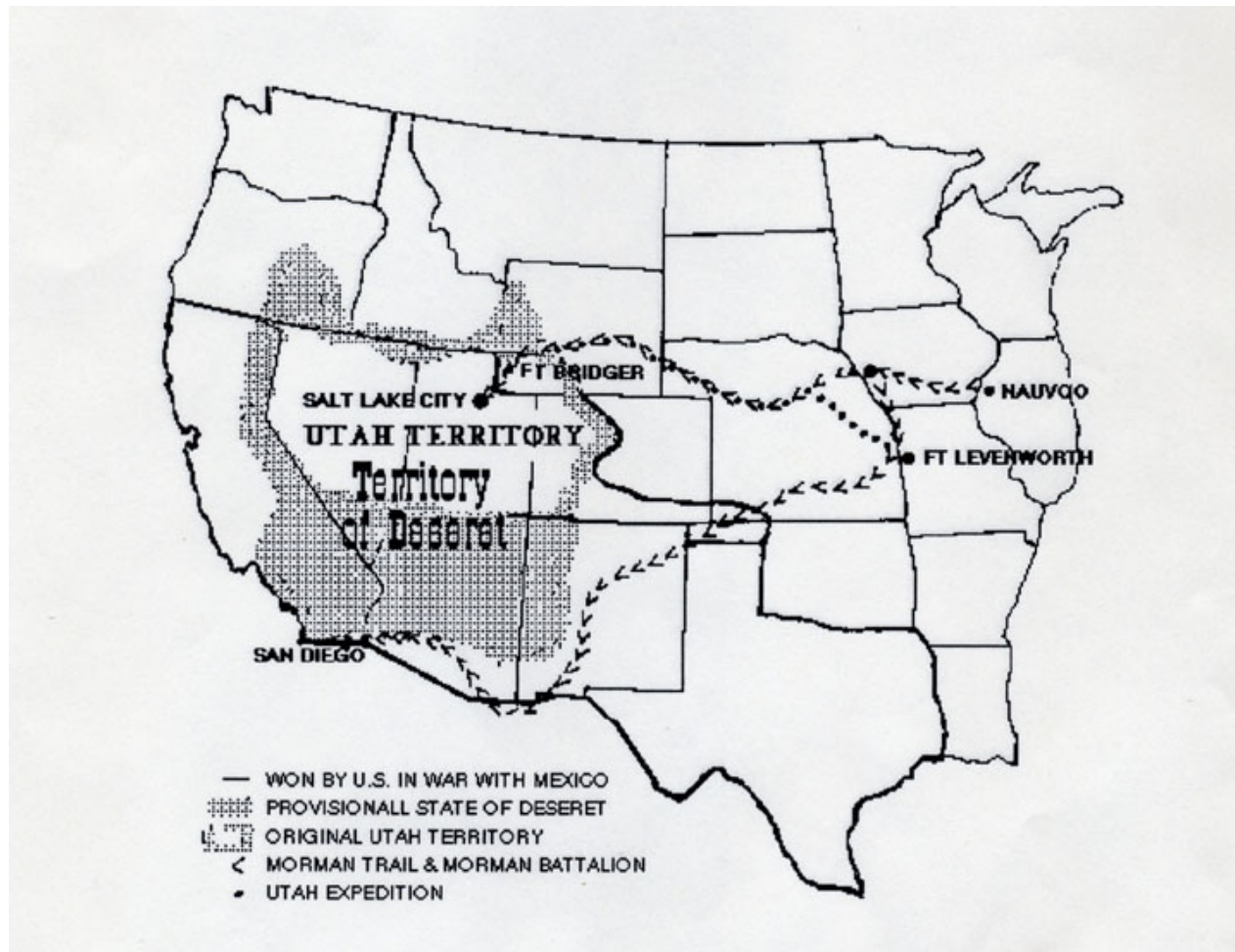
There are no photographs of the Mormon Prophet, but his death mask still exists. Of the many paintings and drawings of him, this one seems to most resemble it. (LDS Archives #PH-360.)

On June 26, 1844, Presidential candidate Joseph Smith, Jr.—leader of the fourteen-year-old Church of Jesus Christ of Latter-Day Saints—and three other Mormons, were arrested in Carthage, Illinois, on charges of treason. Smith was accused of attempting to assassinate Missouri governor Lilburn Boggs and of having ordered the destruction of the Nauvoo Expositor, an anti-Mormon press. Smith had ample reason to dislike Governor Boggs, but could not have participated in the attempted assassination in Missouri, as he was in Illinois when it occurred. Smith was mayor of Nauvoo, and did sign the destruction order, but, the Mormons declared, this hardly constituted treason.

When they tried to appeal, they discovered that the judge was the same man who had sworn out the charge, as well as being captain of the militia which arrested them! Next day, while under the sworn protection of the governor of Illinois, Smith and his brother Hyrum were murdered by a mob composed largely of the Illinois state militia charged with their protection. Two of Smith’s other companions survived and identified the murderers. but they were acquitted the following October.

The Mormons then declared their intention to leave the United States and began hurried preparations to depart the following spring, but fear of mob violence forced them out early, in the depth of an Illinois winter. According to legend, seven women gave birth that first night, lying on the bare ground in a freezing February rain. In any case, hundreds of the ill-prepared pioneers did perish from hunger, cold, exposure, and disease on the 1300 mile trek to what is now Utah.

To add insult to injury, five hundred of their ablest young men were “invited” to join the army and fight in the war with Mexico by the same Federal government which had declined to protect them in Illinois. This “Mormon Battalion” made what is still the longest military forced march in recorded history, through 1500 miles of unexplored desert, to San Diego, California. In 1847, the California gold rush was begun when two of these soldiers discovered gold at Sutter’s Fort on their way to rejoin the Latter-Day Saints in Salt Lake City.



Territory won in the War with Mexico, routes of the pioneers, the Mormon Battalion, and the Utah Expedition. (© D. Fallick and Backwoods Home Magazine. Used with permission.)

Extermination

Such treatment, bad as it was, was hardly a novelty to the Mormons. They had already been driven from Independence to Far West, Missouri, by armed mobs who burned their fields, stole their supplies, and pillaged their homes. Brigham Young gained his initiation into the rigors of a long expedition while carrying food and relief supplies from Ohio.

In 1838, in response to the Mormons arming in self-defense, Missouri Governor Lilburn Boggs issued his infamous Extermination Order: "The Mormons must be treated as enemies and exterminated or driven from the State . . ." Three days later, seventeen Mormons living in the tiny hamlet of Haun's Mill were massacred in a surprise attack by over two hundred state militiamen. The same day, a force of about two thousand surrounded the main Mormon settlement in Missouri and demanded to meet with Church leaders. Smith and five others were arrested while under a flag of truce. They were convicted on trumped-up charges, by a jury consisting entirely of the witnesses against them. These men also guarded them at night and

openly boasted of participating in the Haun's Mill massacre.

Smith and his companions were eventually freed by sympathizers among their captors. They escaped to Illinois, where they founded the city of Nauvoo. For six years, Nauvoo prospered, growing from a malarial swamp to one of the largest cities in the state. The Mormons became the largest single voting bloc in Illinois, and were courted by both political parties. Their city militia was as well armed as the state militia, and much larger. Mormon converts from all over the U.S. and Europe flooded into sparsely settled Illinois, causing citizens to fear being overwhelmed. Once again they clashed with the government, and Smith was shot.

Flight and famine

The two-year exodus of the Mormons, opening up the Mormon Trail on the way to Utah, is known to most students of the era. Brigham Young, acting leader of the Church after the death of Smith, led thousands of pioneers across a thousand miles of mostly trackless wilderness. At first he followed the better known and easier Oregon Trail, but antipathy to the Mormons ran so high among settlers along the way that Young deemed the uninhabited northern route to be safer.

Unable to purchase supplies along the way, Young and the Church leaders conceived a desperate plan. They sent a company of pioneers ahead to plant crops along the way and in the Salt Lake basin, so there would be a harvest for the hungry Saints when they arrived. The plan worked, barely. But the next year, with no reserves established, a plague of grasshoppers (some say crickets) nearly wiped them out, stopped only by the timely arrival of thousands of sea gulls.

The High Council of the Church of Jesus Christ of Latter-Day Saints was the Mormons' first government in the West. When the war with Mexico ended, the United States had won control of a vast territory between the Rocky Mountains and the Pacific Ocean. The Mormons held a constitutional convention and proclaimed the huge Provisional State of Deseret. It included what is now southern California, Nevada, Utah, most of Arizona, and large parts of Oregon, Idaho, Wyoming, Colorado, and New Mexico. The Mormons simply named their high Church officials to the top posts in the new government, with Brigham Young as Governor. One of the State's first acts was to petition the U.S. Congress for admission to the Union.

Instead of granting statehood, Congress created the much smaller Territory of Utah, consisting of what is now Utah, Nevada, and western Colorado. Deadlocked about whether the new states should be slave or free, Congress passed the Compromise of 1850, which admitted Utah as a territory, "with or without slavery" upon achieving statehood at some unspecified later date. The stage was set for conflict between the ecclesiastical government of the Mormons and non-Mormon federal appointees from the East.

Brigham Young was named Territorial Governor, and the Territorial Legislature was locally elected, but the federal court judges were appointed by the government in Washington. In September of 1851, after a funding dispute with the legislature, these judges and other federal officials left the Territory, taking with them the entire territorial treasury. In Washington, they complained about Young and the Mormons, and new appointees were named, but they didn't arrive in Utah until late the following year.

With no Federal Court judges, Utah Territory was left without a court system. To fill the breach, the legislature transferred power to the locally run probate courts, which normally handle

only wills and estates. While legal, this maneuver angered the arriving new federal judges, who argued that it left too much civil power in the hands of the Church.

Other church/state conflicts included awarding lucrative mail contracts and control of government land to church leaders. Mormon Church leaders were unpaid volunteers, expected to support themselves and their families, in addition to their Church service. Leaders were chosen from those who had demonstrated business acumen or other leadership qualities, so the Mormons saw no conflict of interest in these awards.

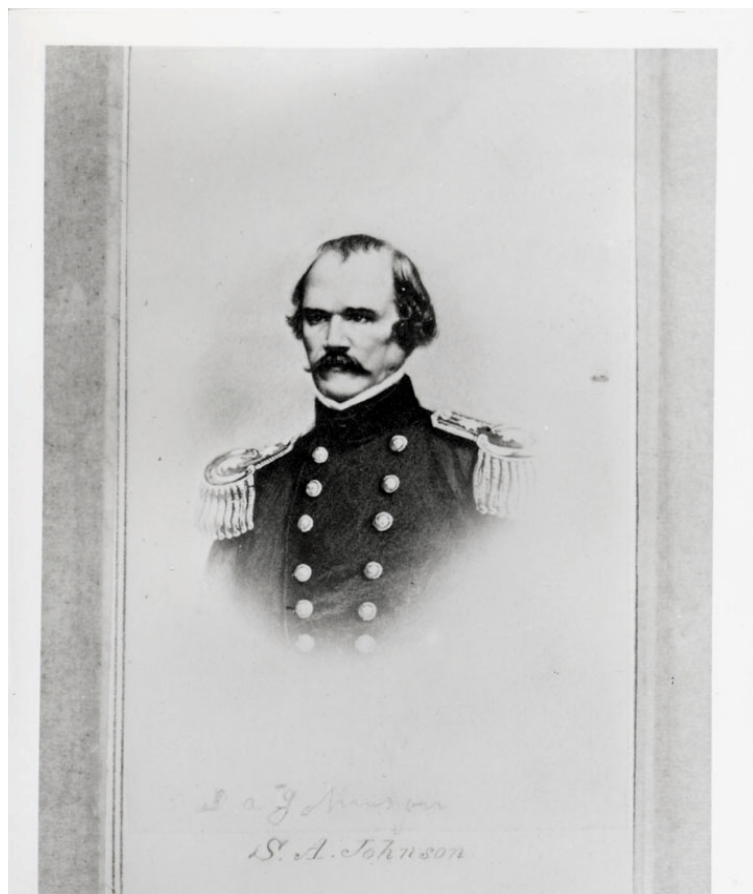
Indian Agent Garland Hurt also complained about the church's "lenient" Indian policy. Agent Hurt was appropriately named. His policies aimed at eradicating the Indians, and naturally conflicted with those of Brigham Young, who said, "It is better to feed the Indians than to fight them."

By early 1857, most of the non-Mormon federal officials had returned to the East, to take their case directly to newly elected President James Buchanan.

War

With less than two weeks' experience in the White House, Buchanan panicked. Believing false and one-sided reports of open rebellion among the Mormons, he dispatched 2500 troops to Utah to install a new governor and other officials. At the time, it was the largest expeditionary force ever fielded by the United States.

The Utah Expedition was a farce from the moment troops left Fort Leavenworth. They were supposed to be commanded by General W.S. Harney, but he never arrived. Through all of July and August, the huge army moved west along the overland trail without a commander. Senior officer in the Expedition was Colonel Edmund Alexander, but he lacked sufficient experience for such a large command, and was never considered for the post. Many of the new officials to be installed by the force had not yet been selected, including the new Governor. Inadequate



General Albert S. Johnston, commander of the Utah Expedition. From an album of cartes-de-visite photographs owned by Brigham Young. (LDS Archives #PH-1716)

leadership, unfocused goals, and the rigors of the long march led many of the troops to desert. further weakening morale.

In late July, Alfred Cumming was named governor, and sent to catch up with the expedition. Captain Stewart Van Vliet was dispatched to Utah as a courier, to find out what kind of reception the army could expect. He arrived in Salt Lake City on September 8, listened to the Mormons' side of the story, and heard Brigham Young preach. Young asked the congregation how many would burn their homes rather than let them fall into the hands of the troops. Every hand went up. A week later, Van Vliet left for Washington with a report favorable to the Mormons.

After having been chased out of four states by armed mobs, the Saints were nervous about the arrival of a huge army bent on putting down their non-existent "rebellion." Governor Young proclaimed martial law, forbade all armed forces to enter the territory without permission. and put the militia on alert. The United States and Utah were at war.

Mountain Meadows

Now occurred one of the darkest passages of the war. Mormons in sparsely settled southern Utah enlisted the support of local Indians in the coming conflict with the U.S. Army. About this time, an unlucky group of emigrants came through southern Utah on their way to California, including a band of hooligans who called themselves "Missouri Wildcats". Openly hostile to both Mormons and Indians, the Wildcats were accused of poisoning wells and giving poisoned meat to the Indians.

Some believed that the emigrants had been hired by the army to spy on the Mormons and stir up trouble with the Indians. When Governor Young heard of the situation, he sent written instructions to let all emigrants pass in peace, but the message arrived too late. A combined force of Mormons and Indians had already attacked the emigrants at Mountain Meadows. Militia volunteers were sent to bury the dead. The Indians, seeing uniforms, thought the Mormons had betrayed them, and prepared for war.

With an army invading from the east, many Mormons felt that an Indian war must be avoided at any cost. No one now knows who gave the orders, but on September 11, a large force of Indians and Mormons went to the emigrants' camp, lured about 120 of them from their defenses, and killed them, sparing only the children.

Military actions

The first skirmishes of the war had already occurred in the middle of August. Small groups of Utah Militia scouted the army, raided the troops, and stampeded their cattle. September was spent fortifying mountain passes and scouting the army's likely routes. On October 3, Utah militia General Daniel Wells was sent to destroy Fort Bridger and Fort Supply. His instructions were to harass the army and delay it, but not to take any human life. His militiamen burned grass before the advancing soldiers to deny their horses forage, drove off their animals, and destroyed their supplies. The plan was to keep the army on the great plains through autumn, and force it to winter in the mountains.

In two days, a small group of militia under Major Lot Smith found and burned three wagon trains of supplies—72 wagons bearing 300,000 pounds of food.

Meanwhile, the army's new commander had finally caught up with his command. He was Colonel Albert S. Johnston, later Confederate General of Civil War fame. He ordered his troops to Fort Bridger, but found it burned to the ground. Fresh troops arrived under the command of Lieutenant Colonel Phillip St. George Cooke, commander of the "Mormon Battalion" on the march to San Diego.

Legend has it that the Mormon troops so respected him so that they named the town of St. George after him. It's a pretty legend, but St. George, Utah was actually named after George A. Smith, one of the city fathers.

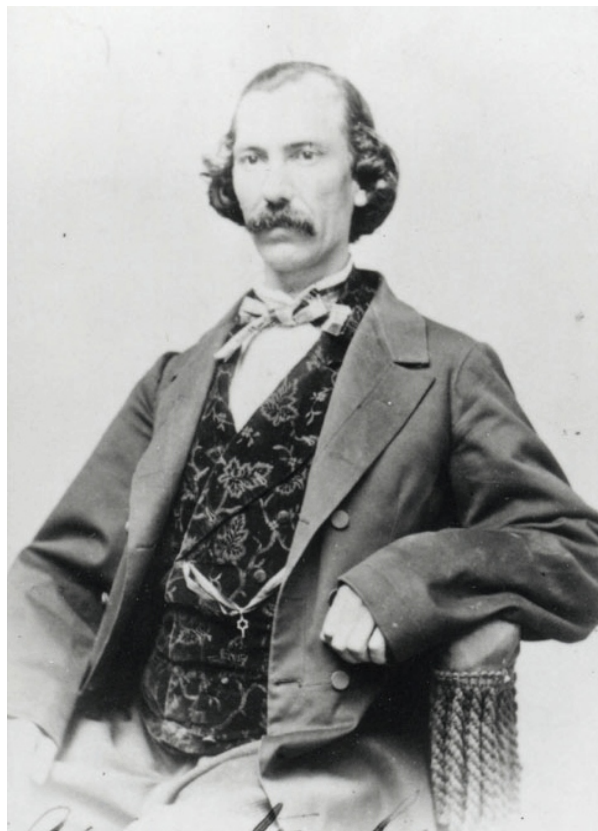
Governor Cumming—along with his wife and servants and the new judges—arrived at the hastily rebuilt fort just as the troops were going into winter quarters. With most of their supplies gone, their animals dead of the cold and snow, and a huge army to feed, the Expedition suffered through what turned out to be an exceptionally cold, snowy winter. It took much of the fight out of them, just as Young had hoped. When word of their situation reached Washington, Congress blamed the President for sending the army too late to capture a single Mormon town, and was reluctant to pour more troops and money into "Buchanan's blunder."



Contemporary etching of Great Salt Lake City, in 1853. (LDS Archives #PH-328)

Peace . . . and occupation

Early in January of '58, Buchanan had a stroke of good luck. Colonel Thomas L. Kane, self-styled friend of the Mormons, offered to go to Utah—at his own expense—and report back to the President. He went around Cape Horn by steamship to California, then overland to Salt Lake City, arriving late in February. Kane learned that the Mormons would accept Governor Cumming if he would come without the army. Returning to Washington by the overland route, Kane met Governor Cumming at Fort Scott and explained his findings. The governor jumped at the chance to avoid open warfare with his constituents. Over the protests of the military,



*Brigadier General Lot Smith.
On the back of this photo is written,
"The train burning hero of 1857.
LDS Archives #PH-200.*

Cumming, Kane, and a small Mormon escort returned to Salt Lake City, where they received a rousing welcome.

Although Governor Cumming would report to the President that he had been well received, and his authority had been acknowledged, the people of Utah prepared for the worst. They had already fled persecution in New York, Ohio, Missouri, and Illinois, and were determined not to live under a military dictatorship in Utah. They abandoned all settlements north of the Utah Valley, and moved to Provo. The move south had begun in May. The foundation of the newly begun Salt Lake Temple was filled in and the ground plowed to disguise its location. Homes were left stuffed with straw so they could be easily burned.

Upon receiving Colonel Kane's report, President Buchanan sent peace commissioners to Utah to negotiate. On June 11 they presented the President's proclamation to Utah leaders. It accused the Mormons of treason and other crimes, but offered Presidential pardon if they would agree to follow the laws of the nation and allow troops to be quartered in the territory. Brigham Young, still the religious leader of the Mormons though no longer governor, objected

strongly to the charges. He asserted that the people of Utah had always been loyal to the United States and always would be, but they wanted to be left alone to do things their own way. However, he accepted pardon for Major Lot Smith's burning of Federal supply trains.

A compromise was reached whereby the troops could live in Utah, if more than forty miles from Salt Lake City. They could pass through and west of the city along a route marked with red stakes, but the city would be torched if any troops ventured outside the route, or even paused within the city.

When the army arrived, they found this no idle threat. Silence reigned in the deserted streets. The only sound was the tramp of the soldiers' own feet. Every building was stuffed with dry straw. Salt Lake City was completely deserted, except for riders carrying burning torches!

The army passed through, and the era of occupation began. It was not a happy situation for either the Saints or the army. By the terms of the compromise, the soldiers had to camp at least forty miles from Great Salt Lake City, as it was then called. When they did get into town, they found that women, gambling, and alcohol, the traditional solaces of soldiers far from home, were all unavailable. The strait-laced Mormons bragged that saloons, gambling halls, and prostitution were unknown in their city. Soldiers complained that few Mormon girls would

associate with them, and most seemed more interested in converting the troops than in carousing with them.

For their part, Mormon leaders felt distinctly nervous about the army. As the years of occupation passed, it became clear that the army was not going to attack them. But other, more subtle threats surfaced. The soldiers' "worldly" interests contrasted sharply with the Mormons' strict standards of morality, chastity, modesty, and abstinence. Their demands for female companionship, alcohol, and gambling brought an element into Great Salt Lake City society which the Saints were particularly anxious to avoid.

Church leaders, especially Brigham Young, conceived a novel plan. Since they could not legally ban "Gentile" (that is, non-Mormon) businesses, they decided to drive them out of business by competing with them directly, as non-profit cooperatives. Some of these cooperative stores were immensely successful as businesses, and are still in operation, under private ownership. Others were less successful.

In general, the co-op movement must be termed a failure, since it did not drive out the Gentiles. It did create lots of bad feelings and misunderstandings between the Saints and the rapidly growing non-Mormon population of Utah. By the end of the Federal occupation in 1861, there were many of these Gentiles living in the heart of Zion, including a large number who harbored no love for the Mormons.

In July of 1861, when the last troops left Camp Floyd, nearly half the U.S. Army was in the West, and had to walk the long way back before the Union could begin to fight the Civil War in earnest. The U.S. government had sunk several millions of pre-Civil War dollars in the fiasco. Though no blood was shed in military actions, there were casualties on both sides, besides the victims of the Mountain Meadows massacre. And one can't help wondering if the Civil War might have been shortened, or even avoided, had the occupying army been kept in the East.

Further persecutions

The Civil War interrupted official persecution of the Mormons, but did not stop it. The Saints insisted on doing things their own way. Their most famous conflict with the Federal government involved polygamy, but this custom did not surface until after the Saints left Illinois, and was not common, even among their leaders, until after the Civil War.

Polygamy was by no means universal, especially among the rank and file. Husbands were expected to provide equally for all their wives and families. Few men in the newly settled land were in a position to do this. Those who were, frequently married widows and other single women who had no other source of support in a frontier environment.

Earlier issues involved their belief in the Book of Mormon and in their Prophet, their "communal" way of life in the early days, and especially, their support of rights for women, blacks, and Indians.

Utah Territory was one of the first places in the world to grant women the right to vote. While women, and blacks (at the time) could not hold the priesthood in the Church of Jesus Christ of Latter-Day Saints, their *civil* rights in Utah Territory were unrestricted. Utah Territory also had one of the first "no-fault" divorce laws, later made famous when the western half of the territory became the state of Nevada.

The Church's position regarding blacks has changed twice over the years. Joseph Smith was an unabashed Abolitionist and egalitarian. He ordained black men to the priesthood, sent them on missions, even ordained at least one black man as a high priest. Black travelers who reached Nauvoo were entertained at the Prophet's own table and served by his wife, exactly like white guests. He proposed polygamous marriage to at least one black woman, though she turned him down. At the time of his death, "Brother Joseph" was a candidate for President of the United States, running on a platform that included anti-slavery. Smith's plan would sell federal lands in the west and use the profits to buy all Negro slaves out of slavery. This plan was later adopted by other Abolitionists, but first was aired as part of Smith's Presidential platform in 1844, ten years before anyone else published it.

Black Church members did not fair so well under Brigham Young. Green Flake, a Negro member, was part of the pioneer company leading the way to the Great Basin, and was in the first wagon to enter the valley of the Great Salt Lake. Though a longtime member of the church, he remained a slave until the abolition of slavery in 1864. Under President Young, ordination of black members ceased. Even those few black church members who did hold the priesthood were denied access to the temple, and the highest blessings of the Mormon religion.

For the next hundred years, Mormon missionaries did not habitually preach to blacks, and those who did join the church found themselves definitely second-class citizens in Zion. Nevertheless, blacks were never persecuted in Utah, and their civil rights were enforced. It was not until 1978 that Church President Spencer W. Kimball restored to blacks the blessings of the priesthood, and temple access was extended to all worthy members, regardless of their race.

In contrast to other frontier societies, Indians were well-treated in Utah. The Mormons actively proselyted the Indians, and sent missionaries to teach them modern farming techniques. Those who converted were integrated into the general society if they wished. Jacob Hamblin, a General Authority of the church, was sent on numerous missions to the Ute, Paiute, Navajo, and Hopi tribes, became fluent in their languages, and spent most of his adult life teaching them to live in peace with each other and with the whites. He stopped several Indian raids against white settlers, and also stopped at least one U.S. military punitive expedition against the Indians.

The Mormons' identification with unpopular causes, clannishness, and unquestioning obedience to Church leaders put them in direct conflict with the Federal bureaucracy and made them a logical target for government persecution. Polygamy provided a perfect rallying point for both sides. The Civil War was scarcely over when the bureaucrats turned on the Mormons again.

Anti-polygamy

The Morrell Act of 1862 was supposed to have ended polygamy. The problem was that Mormon juries refused to convict polygamists, and Mormon officials and judges refused to enforce the law. In 1869, the Craigin Bill proposed to vest in the Territorial governor or the U.S. marshall (both federal appointees) *all power to appoint local officials, select local juries, and commission local police*, thus disenfranchising the entire populace of Utah at a stroke. It also provided for the taxation of all property owned by the Church of Jesus Christ of Latter-Day Saints, and forbade Church officials to perform any marriages, or even to make rules regarding Church membership.

It seems unbelievable today that such a law could be seriously considered by the United States Congress, but though it did not pass, the Craigin Bill was just a taste of even worse things to come. In 1882, Congress passed the Edmunds Anti-Polygamy Law, with the Tucker amendment to it.

As interpreted by the courts, the Edmunds-Tucker law had the following effects:

- No person who was a polygamist, had ever been a polygamist, or who belonged to any organization that advocated polygamy, could vote, hold political office, or serve on a grand jury. Since the only organization in the territory that advocated polygamy was the Mormon Church, this amounted to a *de facto* religious test for voting, and would be plainly unconstitutional by today's standards.
- All territorial offices were vacated and all previous voter registrations were nullified.
- A test oath was required before a voter could register, affirming that the voter complied with the law— another religious test for voting.
- The law applied retroactively to anyone who had ever been a polygamist, even if this was before the law was enacted. Thus it was an *ex post facto* law, and again unconstitutional.
- Courts ruled that polygamous wives could be compelled to testify against their husbands, and that the four-year prison term specified under the law could be applied for *each day* that the polygamy had continued, imposing a life sentence on virtually all violators.
- A second Tucker amendment became law in 1887 without the signature of President Grover Cleveland, who refused to either sign it or veto it. It called for the disincorporation of the Church of Jesus Christ of Latter-Day Saints, and the escheatment of all its property to the United States government. In other words, the Mormon Church was abolished by the government. which just took its property without compensation.
- This second amendment also abolished women's suffrage in Utah Territory.
- Although the Church had been outlawed, the Federal government did generously allow it to lease back its own Temple and a few other buildings of historic significance at an annual rent of \$3000. This was a fortune in the 1880s, when \$30 was considered a good monthly salary. Because the Church was disincorporated, though, there was no legal way for it to raise money to pay this rent.

Capitulation

Amazingly, the United States Supreme Court upheld all these outrages. With its Prophet in hiding, its leaders in jail or in exile, with mounting bills and no legal source of income, the

Church capitulated and abolished polygamy in 1890, paving the way for statehood six years later.

Even then, official persecution did not end. Although President Benjamin Harrison granted amnesty to ex-polygamists in 1891, and Grover Cleveland restored their civil rights, official discrimination continued. B.H. Roberts, who was Utah's first U.S. Representative and an ex-polygamist, was never seated in the House. Reed Smoot, Utah's first Senator, who had never been a polygamist, was seated, but only by a narrow margin, after a vote of the full Senate.

Not until after the First World War did federal persecution end, with the return of the Church's escheated property. Finally, *138 years* after it was issued, The State of Missouri officially rescinded Governor Boggs' Extermination Order — in 1976.

Today there are almost no reminders of the Utah War remaining in Utah, except for the street signs along Redwood Road on the west side of Salt Lake City. Some say it was named for the red wooden stakes the surveyors used in laying out roads. This is certainly possible, but it begs the question: why was this one road named for them, in a city where virtually all other major streets were numbered, not named?

Could Redwood Road be the route of Johnson's army? The actual location of the army's route, outlined with red, wooden stakes, was never recorded. Redwood Road is long enough, goes in the right direction, and ends very near Camp Floyd, where the army camped. No one knows for certain, nor does anyone seem to care very much. Even long time residents seldom wonder why a street that obviously never had redwood trees on it should have such a name, or why old-timers always call it "The Redwood Road." ■