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A PECULIAR PLACE FOR THE PECULIAR INSTITUTION:  
SLAVERY AND SOVEREIGNTY IN  
EARLY TERRITORIAL UTAH

by

Nathaniel R. Ricks

A thesis submitted to the faculty of

Brigham Young University

in partial fulfillment of the requirements for the degree of

Master of Arts

Department of History

Brigham Young University

August 2007

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BRIGHAM YOUNG UNIVERSITY

GRADUATE COMMITTEE APPROVAL

of a thesis submitted by

Nathaniel R. Ricks

This thesis has been read by each member of the following graduate committee  
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As chair of the candidate's graduate committee, I have read the thesis of Nathaniel R. Ricks in its final form and have found that (1) its format, citations, and bibliographical style are consistent and acceptable and fulfill university and department style requirements; (2) its illustrative materials including figures, tables, and charts are in place; and (3) the final manuscript is satisfactory to the graduate committee and is ready for submission to the university library.

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## ABSTRACT

### A PECULIAR PLACE FOR THE PECULIAR INSTITUTION: SLAVERY AND SOVEREIGNTY IN EARLY TERRITORIAL UTAH

Nathaniel R. Ricks

Department of History

Master of Arts

Between 1830 and 1844, the Mormons slightly shifted their position on African-American slavery, but maintained the middle ground on the issue overall. When Mormons began gathering to Utah in 1847, Southern converts brought their black slaves with them to the Great Basin. In 1852 the first Utah Territorial legislature passed “An Act in Relation to Service” that legalized slavery in Utah. This action was prompted primarily by the need to regulate slavery and contextualize its practice within the Mormon belief system.

Ironically, had Congress known of Utah’s slave population, it may have never granted Utah the power to legislate on slavery. During the debates over the Compromise of 1850, which series of acts created Utah Territory without restriction on slavery, Utah

lobbyist John M. Bernhisel hid Utah slavery from members of Congress. Several years later, when Utah's laws were under review by Congressional committees, the public announcement of polygamy overshadowed information that betrayed slavery's practice in Utah. The fact that slavery's practice in Utah was never widely known, especially by members of Congress, delayed for nearly four years the final sectional crisis that would culminate in civil war. Utah may have been a peculiar place for the "peculiar institution" of slavery, but its legalization in the territory, and Congress' failure to acknowledge it, provide a compelling case study of popular sovereignty in action in the antebellum West.

## ACKNOWLEDGEMENTS

While many individuals merit thanks for their contributions to this thesis, a few deserve special appreciation. My committee members have been stellar in ushering me through the thesis process: Susan Rugh provided candid feedback and expressed much-needed confidence in my writing abilities; Jay Buckley encouraged me to pursue my interests at a crucial juncture in my graduate career; and Matthew Mason kept me focused and organized while also striving to connect with me on a personal level.

Other faculty members have shaped my critical thinking about the issues discussed in this thesis and deserve many thanks: Rodney Bohac, Neil York, Ignacio Garcia, Paul Pixton, Mark Grandstaff, and Michael Murdock. Robert Gudmestad of the University of Memphis and Anna-Lisa Cox, Ph.D. provided excellent critiques of an earlier version of Chapter III. David Amstutz of the University of Nebraska gave me some excellent suggestions on an earlier draft of chapter II.

Fellow students have been no less influential, especially Russell Stevenson, a student editor for the history department's journal, and my many graduate compatriots. Most of all, however, my family has been my lodestar. This work is for Jackie, Dallin, and Mia. They have encouraged me throughout this project and make the present much, much more inviting than the past.



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## INTRODUCTION AND HISTORIOGRAPHY

This study began when I came across several articles describing the practice of African-American slavery in antebellum Utah. Like some of historical figures quoted throughout this thesis, I had believed Mormons, and especially Utah Mormons, to have been historically opposed to slavery. A more complex picture emerged while I worked on different incarnations of this final product, however. Mormon converts emigrating to Utah from the South brought with them a number of African-American slaves, and in 1852 Utah's first Territorial legislature passed legislation protecting slavery. Utah's civic leaders could legitimately do this, having been granted the power by the Thirty-first Congress as part of the Compromise of 1850. A full two years prior to the Kansas-Nebraska debates of 1854, the Utah legislature legalized slavery in a region that had formerly been the focus of heated debates regarding the "peculiar institution's" expansion.

These facts could have—*should* have—played conflagrative roles in the national antebellum debates over slavery's expansion, and yet they did not. Why Utah's practice and legalization of slavery remained hidden from Washington politicians is one focus of this work. Initially, during the debates over the Compromise of 1850, Mormon lobbyist John M. Bernhisel was able to channel congressional attention away from Utah's slave population by convincing Washingtonians that Utah's climate was inhospitable towards the peculiar institution. Two years later, in August 1852, the Mormon church publicly

affirmed its members' practice of polygamy before word of its slavery legislation reached Congress. Polygamy immediately became the focus of anti-Mormon hostility, also diverting attention from Utah's slavery legislation. This had important consequences for national politics.

First, for the Mormons, polygamy presented a significant obstacle to gaining statehood. Only after Utah's residents "Americanized" the territory in a number of ways (sponsoring chapters of both national political parties, for example) *and* denounced polygamy in 1890, would Utah be granted statehood. Second, Utah's hidden legalization of slavery kept the 1850 Compromise's tenuous peace intact. Without slavery as a polarizing issue threatening intraparty unity, the Second Party System was preserved a few years longer until the Kansas-Nebraska debates resurrected sectional controversy over slavery expansion. Within a few years American politics divided along sectional lines.<sup>1</sup> The hiding of Utah's practice of slavery thus appears to have delayed sectional conflict for a few years. The course of history may have been charted differently had Washington politicians been aware of Utah's laws sanctioning servitude.

Chapters II and IV address these national implications of slavery in Utah. In Chapter II, I discuss the Compromise of 1850 and the process by which Utah was

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<sup>1</sup>On Utah's "Americanization," see Gustive O. Larson, *The "Americanization" of Utah for Statehood* (San Marino, CA: Huntington Library, 1971); Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830-1900* (Cambridge, MA: Harvard University Press, 1958), 378-9; Edward Leo Lyman, *Political Deliverance: The Mormon Quest for Utah Statehood* (Urbana: University of Illinois Press, 1986); and Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century America* (Chapel Hill: University of North Carolina Press, 2002). On the collapse of the second party system, see Michael F. Holt, *The Political Crisis of the 1850s* (New York: Wiley, 1978), chs. 5 and 6; and William W. Freehling, *The Road to Disunion, vol. 1: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990), ch. 29.

awarded popular sovereignty, posing the question, “Why did Congress grant Utah the power to legislate slavery?” The legislation that organized Utah as a Territory was intentionally silent on the subject of slavery, neither prohibiting nor protecting its practice by federal mandate. The many sources of information to which politicians had access disagreed over climate, agriculture, and the possibility for slave ownership. Had they known that several dozen slaves already lived in the territory, they almost certainly would have taken a very different course of action in granting Utah popular sovereignty, and possibly even refused territorial status to the fledgling Mormon settlement. Policymakers in Washington knew very little about Utah, its Mormon population, and Mormon plans for governing the territory.

Most significant in shaping congressional perceptions, I assert, was John M. Bernhisel, sent by Mormon leaders to lobby for Utah interests. J. Keith Melville and Newell G. Bringhurst both discuss Bernhisel’s efforts, emphasizing that he knew that slaves lived in Utah, but kept the information secret. Going further than their brief discussions, I link Bernhisel to several influential politicians, arguing that his careful control over information about Utah’s black slaves was the major factor that allowed for compromise on what had been such a heated issue, and what would again become heated in the Spring of 1854.<sup>2</sup> I also analyze in Chapter II the final vote on the Utah territorial bill, correcting and updating an analysis given by historian Robert R. Russel in a 1956

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<sup>2</sup>Melville’s narrative is short on analysis, but remains an excellent resource for primary materials on Bernhisel’s lobbying efforts. J. Keith Melville, *Conflict and Compromise: The Mormons in Mid-Nineteenth-Century Politics* (Provo, UT: Brigham Young University Publications, 1974); see also Newell G. Bringhurst, *Saints, Slaves and Blacks: The Changing Place of Black People Within Mormonism* (Westport, CT: Greenwood Press, 1981), 64-7; and Gwynn W. Barrett, “John M. Bernhisel: Mormon Elder in Congress,” (Ph.D. dissertation, Brigham Young University, 1968).

article. While Russel included a thorough discussion of the different motivations leading certain groups of politicians to vote for or against the formation of Utah territory, he does not support his conclusions with evidence. I remedy this by including debates from the *Congressional Globe* and accompanying *Appendix* for the Thirty-first Congress, also analyzing the vote breakdown based on sectional and political affiliation. Russel also incorrectly describes a Senate roll-call vote as the final vote on the Utah bill, when in actuality the vote was only to engross the bill for a final reading.<sup>3</sup> Chapter II thus builds on the work of earlier historians, updating misconceptions about the reasons politicians voted to grant Utah popular sovereignty, and portraying Bernhisel as the foremost actor influencing congressional opinion on slavery in Utah.

Chapter IV addresses the time period following the 1852 legalization of slavery. As I illustrate, by the time of the congressional debates over the Kansas-Nebraska Act, polygamy rang all too loudly in eastern political ears for Utah's practice of slavery to get any notice. Ironically, by 1854 more information was available to congressmen regarding slavery in Utah than at any other time. The way Utah's legislation labeled slavery, calling it "service," also hid the practice from the Congressmen who reviewed Utah's laws in early 1853. Utah's exercise of sovereignty should have played an important role in Congress' legislation regarding sovereignty in Kansas and Nebraska. Polygamy provided one smokescreen, compounded by the fact that Kansas and Nebraska

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<sup>3</sup>Robert R. Russel, "What was the Compromise of 1850?" *The Journal of Southern History* 22 (Aug. 1956): 292-309. Michael Morrison briefly discusses the sectionalism behind the votes that made up the Compromise of 1850, in *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War* (Chapel Hill: University of North Carolina Press, 1997), 122-5; Morrison does not address Utah specifically, however.

were adjacent to slave and free states, making emigration to those two territories more feasible than for Utah. Resurrecting a highly sectional issue that had ostensibly been solved by the Compromise of 1850 thus also contributed to the explosive nature of the Kansas-Nebraska Act and the overshadowing of Utah as an issue. Had the knowledge of Utah slavery burst upon the national scene between 1851 and 1853, sectional conflict may have been ushered in sooner than the heated Kansas-Nebraska debates. Years later, the 1856 Republican National Platform attacked slavery and polygamy as the “twin relics of barbarism.” By this time, some easterners had become aware of slavery’s practice in Utah, but most still identified slavery with the South and polygamy with the Mormons.

Historians who have written about the Kansas-Nebraska Act have all done so ignorant of the valuable context of Utah’s slavery legislation, which I believe is one major contribution of this thesis. Indeed, scholars write of congressional perception without even acknowledging the potentially inflammatory reality of slavery in Utah. Michael F. Holt recently wrote that Southerners felt bound by the climatic restrictions of the West during the Kansas-Nebraska debates, believing that “the popular sovereignty provisions of the Utah and New Mexico bills meant little in practice, for the arid climate prevented slaveholders from rushing to those territories.” He did not mention that slaveholding Mormons had trickled, if not rushed, into the territory beginning half a dozen years earlier. Likewise, Michael Morrison wrote that popular sovereignty “seemed to be working in Utah and New Mexico,” although he did not elucidate what he meant by “working,” nor who would view Mormon slaveholding as a success of popular sovereignty. Morrison probably saw the absence of conflict in Congress and in Utah as indicative of popular sovereignty “working,” though he also fails to mention that

Northerners would not have agreed had they known of Utah slaveholders. Historian David M. Potter thought along the same lines when he wrote of the Kansas-Nebraska Act, “It infected the doctrine of popular sovereignty with a fatal proslavery taint.” Yet Utah legislators had, two years earlier, used their popular sovereignty in a way that Northerners very quickly would have painted as pro-slavery. Potter, too, ignores the realities of Utah, as has every historian of antebellum politics, to my knowledge.<sup>4</sup>

At first this ignorance of Utah’s slaveholding population seems sensible, since Utah slavery appears to have had no direct bearing on antebellum politics. Historians of the time period have written based on their subjects’ point of view; since no congressman cared about slavery in Utah by 1854, no historian of antebellum national politics has, either. However, the availability of information to politicians is powerful in shaping national politics, for congressmen and other leaders make decisions based on information they know, or believe, or suspect. Hence in Chapter IV I also explore some of the alternative outcomes had Utah’s practice of slavery been generally known, believed, or suspected.

Another major focus of this thesis is to explore why the Utah Mormons chose to legalize slavery, a question that several historians have also addressed. As I examined the evidence, and especially Mormon religious culture, it became apparent that the Mormons believed that their version of slavery was God-sanctioned and could ameliorate the abuses of chattel slavery. Prompted toward action by the presence of several dozen slaves in their midst, Utah’s Mormon legislators created a slave code that reflected their

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<sup>4</sup>Michael F. Holt, *The Fate of Their Country: Politicians, Slavery Extension, and the Coming of the Civil War* (New York: Hill and Wang, 2004), 93; Morrison, *Slavery and the American West*, 128; and David M. Potter, *The Impending Crisis, 1848-1861* (New York: Harper & Row, 1976), 176.

view of slavery as ameliorative and mirrored the relationship they sought with their God. Reinforced by their beliefs in continuing revelation, the restoration of all ancient doctrines in modern times (including the biblical Curse of Ham), and the ability of prophets to receive God's will on any matter, slavery gained legitimacy in Utah. The Mormons came to view it as a religious practice, not just a social, economic, or cultural practice.

Thus Chapters I and III address the Mormons and their practice of slavery. Chapter I focuses on the historical background of Mormonism and slavery, arguing that the Mormons did not so dramatically shift their official position on the peculiar institution as scholars have previously argued, maintaining the middle ground overall. Several historians have addressed this subject as part of a larger discourse on Mormonism's policies towards African-Americans, which has engendered a great deal of debate over the last several decades. However, rather than include a comprehensive discussion in this thesis, I will address only those policies and scholars' ideas that relate to slavery's practice and legitimization among the Mormons.

One of the first to write of church policy was Stephen Taggart, who argued that the Mormon policy towards African-Americans emerged because of social stress. Early Mormons held abolitionist attitudes that "were not explicitly incorporated into the Mormon belief system, [thus] not shar[ing] the degree of social support enjoyed by the central Mormon beliefs." During the church's Missouri persecutions in 1833, Mormons adopted pro-slavery sentiments, according to Taggart, as a knee-jerk reaction "in the face of danger." The pro-slavery stance that Taggart asserts the Mormons possessed could fit in with the Mormon belief that they were a "chosen" people, favored of deity, even if it



contradicted ideals of universal love and brotherhood. Additionally, Joseph Smith was predisposed to embrace racist doctrines because he had access in his early youth to books that discussed the “curse of Canaan.” Joseph Smith reversed his position on slavery by the time of his 1844 presidential campaign because the church had relocated in Illinois, a free state, and he was addressing a different audience than with his earlier pro-slavery statements. Taggart also argues that Smith felt “considerable dissonance because of the basic contradiction between the love, compassion, and brotherhood constellation of Mormon values, and the compelling necessity of expediency on the slavery issue.”<sup>5</sup>

Taggart’s analysis and arguments are plagued by some fundamental weaknesses, however: first, the problem of sources. He argues forcefully that the early Mormons were antislavery, based on their residence in New England. He offers no other evidence, however, quotes no antislavery writings or speeches and identifies no specific people as antislavery, resting his assertion on assumption. While it is possible that some early Mormons were, indeed, antislavery, it is hardly accurate to identify silence on slavery with opposition to slavery. Nor is it accurate to assume that residence in New England led to antislavery attitudes. As I point out in Chapter III, until the 1850s very few New Englanders embraced abolitionism.

Taggart’s second weakness is that of attempting to link contestable causes with unsubstantiated results. Joseph Smith’s access to a racist book does not mean he adopted its sentiments or even *read* the book. Nor does a belief in being a “chosen” people necessarily translate into pro-slavery sentiment. Racist egalitarianism—the suppression of one “outcast” group to level the playing field for the majority—has certainly played a

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<sup>5</sup>Stephen G. Taggart, *Mormonism’s Negro Policy: Social and Historical Origins* (Salt Lake City: University of Utah Press, 1970), 13, 29-30, 14, 52, 65-6.

role in American history, but the evidence that Taggart cites does not convincingly link Mormon opinion on slavery to a thrust for racial hegemony.<sup>6</sup>

Lester E. Bush, Jr. took a different approach in interpreting available data, concluding that there was no official policy until 1835. In that year, a church statement, “worded so that it avoided comment on the morality of slavery *per se*,” expressed the opinion that interfering with slaves was immoral. When Joseph Smith and several other leaders wrote articles ostensibly in favor of slavery in 1836, they did so using popular

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<sup>6</sup>Taggart does make a good case for the link between early Mormon racial ideas and twentieth-century practices, however. See *Mormonism’s Negro Policy*, 74-82. One side effect of racism, and of slavery in general, is that both tend to “level the playing field” for the majority group, providing opportunities for its otherwise disadvantaged members to feel more equal to their socioeconomic superiors. The undesirable characteristics of society or humanity are projected onto the racialized or enslaved group, creating a sort of “racist egalitarianism” that boosts satisfaction with one’s own status. Historians have noted this in a number of circumstances and throughout time, from ancient Rome through the emergence of working-class America.

In Mormon Utah, the argument could be made that there was a special “wage” to being white. With extremely rare exceptions, blacks could not hold the priesthood, a common right for white Mormon males. This meant they could not participate in leadership positions and Mormon temple ceremonies that seal families together through eternity. Although Gentiles (non-Mormons) could also be seen as “different” in ways that bound Mormons together, they at least had the potential to become Mormons, and participate fully in the religion, in ways that blacks could not. On racist egalitarianism, see John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic, vol. 1: Commerce and Compromise, 1820-1850* (New York: Cambridge University Press, 1995), 216-28. For historical examples see Keith Bradley, *Slavery and Society at Rome* (New York: Cambridge University Press, 1994), 181; Edmund D. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton & Company, Inc., 1975), 380-7; and David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class*, revised edition (New York: Verso, 1999), 60. Consider also more recent works on race and Mormonism like Armand Mauss, *All Abraham’s Children: Changing Mormon Conceptions of Race and Lineage* (Urbana: University of Illinois Press, 2003); Bringhurst and Darron T. Smith, eds., *Black and Mormon* (Urbana: University of Illinois Press, 2004), and the insightful autobiographical exchange between Mauss and Bringhurst in the March 2003 issue of *Sunstone* magazine. I am indebted to Ignacio M. Garcia for providing me with an anonymous former student’s excellent historiographical essay on “Mormon Scholarship, Civil Rights, and the African American,” which discusses the above-mentioned sources.

rhetoric of the day, and couched their advice in terms of personal opinion. Bush does not address the motivations behind these statements, but moves quickly on to other topics. For six years following the 1836 statement, the church remained silent on slavery, except to affirm “that they were not abolitionists.” In 1842, however, Joseph Smith published some letters expressing what Bush calls “unmistakable...antislavery sentiments,” although he condemned only “the injustices, cruelty, and oppression, of the rulers of the people,” and not necessarily slavery itself. “We have no contemporary explanation for the dramatic change in attitude,” Bush asserts. As I argue in Chapter I, however, the change in attitude may not have been so “dramatic,” because the Mormons still maintained a more moderate position than many contemporaries who opposed slavery, and many statements indicate Joseph Smith’s tireless efforts to reconcile dissonance in general, not just over slavery. Bush asserts, however, that “for a short while the Mormon Church could accurately be described as outspokenly against slavery,” especially after the announcement of Smith’s presidential platform in 1844.<sup>7</sup>

Newell G. Bringhurst’s *Saints, Slaves and Blacks: The Changing Place of Black People Within Mormonism* remains, to date, the most thorough examination of early Mormon attitudes on both race and slavery. Bringhurst’s basic supposition, echoing Taggart, is that “In response to pressures both within and outside Mormonism, the church adopted attitudes that were both antislavery and antiabolitionist.” Social pressure led Mormons to waffle on the issue of slavery, he argues, although they generally avoided abolition because “American society...generally rejected both the tactics and the aims of

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<sup>7</sup>Lester E. Bush, Jr., “Mormonism’s Negro Doctrine: An Historical Overview,” *Dialogue* 8 (1973): 13, 15, 17-20.

the abolitionists.” Additionally, he argues, Mormons accepted contemporary racist arguments, reinforced by “their lower-middle-class socioeconomic origins.”<sup>8</sup>

Brigham’s application of the labels “antislavery” and “antiabolitionist” (or “proslavery” as Bush and Taggart use) are complicated by the intentionally vague Mormon viewpoints regarding the slavery issue, which Bush discusses at some few points in his essay.<sup>9</sup> As I draw on Bush and expand in Chapter I, the Mormons took a very nuanced approach to slavery, avoiding labeling themselves. Calling the Mormons antiabolitionist implies a position of active opposition, rather than the neutrality that I assert was policy until at least 1836. The Mormons did not “go with the flow” in responding to social pressure, nor did they actively agitate for either the extension or ending of slavery, which increasingly became the polarized norm in American society. Later, as the Mormons began to gain converts in the Southern states, the church shifted emphasis to keep pan-sectional harmony, defending slavery and slaveholders while affirming that God would change the status quo in His own due time. Still later, as part of his 1844 presidential campaign, Joseph Smith included in his platform gradual, compensated emancipation. These shifts were more subtle than Brigham, Taggart, and Bush make them out to be, as Joseph Smith really strove to maintain harmony and avoid controversy by intentionally embracing moderate positions.<sup>10</sup>

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<sup>8</sup>Brigham, *Saints, Slaves and Blacks*, xviii.

<sup>9</sup>David Brion Davis addresses a related problem of terminology early in his groundbreaking volume, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Ithaca, NY: Cornell University Press, 1975), 21-2. “Abolitionism” and “antislavery” took on different meanings through time, he asserts, although he hoped through his context it would become clear which meaning was used in each instance.

<sup>10</sup>Brigham does convincingly illustrate that some prominent church members

One of Bringhurst's chief weaknesses is that he reads too much significance into any statement on slavery; for example, when Sidney Rigdon recounted, among other false accusations levied against the Mormons, having been "reported to be abolitionists" in the past, Bringhurst categorizes the remark as "affirm[ing] Mormon antiabolitionism," albeit "with less shrillness than earlier" statements. Rigdon's recounting of an accusation does not amount to an affirmation of antiabolitionism, but simply a criticism of those who told lies about the Mormons in order to "stir up the public mind, and to excite popular indignation" against the religion. Bringhurst similarly misreads Parley P. Pratt's critique of an anti-Mormon author for misrepresenting the Mormons in print, including false statements about "the stiring [*sic*] up of the Slaves against their masters." Much like Rigdon's statement, Pratt condemned the falsehood, not the abolitionists.<sup>11</sup>

Bringhurst also too quickly labels Mormon statements as antislavery. When Warren Parrish and David W. Patten began proselyting in Tennessee, they wrote that one of the obstacles they faced was the "power of tyranny that exists in the slave states." Rather than "expressing their dislike for slavery," as Bringhurst asserts they "lamented," Parrish and Patten questioned the power structure, not the peculiar institution. In the same newspaper, William W. Phelps describes a portion of the Missouri countryside and

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clung to either antislavery or antiabolitionist sentiments during the church's Nauvoo period, especially from 1842-44; but he does not link them to an overarching church policy. He argues for a "mood": "Despite...antiabolitionist sentiments, Mormon dislike for slavery was the dominant mood during the early 1840s." See *Saints, Slaves, and Blacks*, 56-61, 62. The *conflicting* "moods," I argue, led to a moderate official position.

<sup>11</sup>Sidney Rigdon, *Oration delivered by Mr. S. Rigdon, on the 4<sup>th</sup> of July, 1838* (Far West, MO: The Journal Office, 1838), 8; Parley P. Pratt, *Mormonism Unveiled: Zion's Watchman Unmasked, and its Editor, Mr. L.R. Sunderland, Exposed: Truth Vindicated: The Devil Mad, and Priestcraft in Danger!* (New York, the Author, 1838), 39; and Bringhurst, *Saints, Slaves, and Blacks*, 24.

its prospects for sawmills and granaries. Phelps reported that “It may be supposed, in those states where negroes do the work, that they can saw boards with a whip saw, and drive team to grind in an animal power mill.” Bringhurst categorizes this report as “boasting that the Missouri-based Saints did not have to depend on slave labor,” rather than the Saints lamenting the difficulty of implementing their preferred mode of milling.

As a final example of Bringhurst’s misreading, he calls antislavery a Mormon condemnation of slaveholders who ordered their slaves to accost a Mormon family. The writer of the primary source (probably Oliver Cowdery) concluded, “What better can we think of a man that will urge his negro to commit unlawful acts, than we could were he to attempt the same himself!” The castigation of a slaveholder’s actions can hardly amount to a castigation of slavery; nor did the Mormon author even “[question] *the right* of such men to hold slaves,” as Bringhurst asserts!<sup>12</sup> Similar misreadings, taken out of context or stretched to fit Bringhurst’s argument, are found throughout his chapters on the pre-Utah Mormons.

Taggart, Bush, and Bringhurst’s greatest collective weakness, in my opinion, is that they each fail to include elements of faith in their analysis, something I try to remedy in Chapter I with my discussion of Joseph Smith’s 1836 statement on slavery, again when I address his 1844 presidential platform, and then in Chapter III in my discussion of Brigham Young’s relationship with the Utah Legislature. The Mormons really believed that God would lead them in all matters, temporal or spiritual. Belief in continuing

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<sup>12</sup>Warren Parrish and David W. Patten to Oliver Cowdery, 11 Oct. 1834, and William W. Phelps to Oliver Cowdery, 20 Oct. 1834, in *The Latter Day Saints’ Messenger and Advocate* (Kirtland, OH), vol. 1, no. 2 (Nov. 1834), 23, 24; *The Evening and Morning Star* (Kirtland, OH), vol. 2, no. 17 (Feb. 1834), 258-9; and Bringhurst, *Saints, Slaves, and Blacks*, 25, emphasis added.

revelation reconciled, for many Mormons, otherwise puzzling shifts in principle, significant as well as subtle. Mormons have continued to embrace change in practice and policy throughout their history, using revelation as an explanation. When the church announced it would no longer deny blacks the priesthood in 1978, Mormon Apostle Bruce R. McConkie wrote:

Forget everything that I have said, or what President Brigham Young or President George Q. Cannon or whosoever has said in days past that is contrary to the present revelation [on the priesthood]. We spoke with a limited understanding and without the light and knowledge that has now come into the world. We get our truth and our light line upon line and precept upon precept. We have now had added a new flood of intelligence and light on this particular subject, and it erases all the darkness and all the views and all the thoughts of the past. They don't matter any more.<sup>13</sup>

Changes in policy or practice did not (and do not) bother Mormons because they believe that God will reveal his will through the current prophet. Thus, as historian Sarah Barringer Gordon concludes, “The fluidity of the early church should not be confused with indirection. Instead, [Joseph] Smith’s continuing inspiration knit together belief and practice in ways that still guide the lives of millions of Mormons.”<sup>14</sup>

Chapter III continues the Mormon history narrative into the church’s Utah period, examining the decision to legalize slavery in Utah by looking closely at the legislators who comprised the first Utah Territorial legislature in addition to the sparse legislative records. Nothing has been written regarding the legislators themselves, so I draw from biographies, life sketches, reminiscences, and primary sources to create a collective profile of the legislature. One glaring omission from those who have discussed

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<sup>13</sup>Bruce R. McConkie, “The New Revelation on the Priesthood,” in *Priesthood* (Salt Lake City: Deseret Book Company, 1981), 132.

<sup>14</sup>Gordon, *The Mormon Question*, 21.

the legislature is the fact that several legislators had strong ties to slaveholding members of the church, and a few even owned slaves themselves!

Historians have written a good deal on slavery in Utah, although only a few have discussed the motivations behind the legislature's legalization of the institution.<sup>15</sup> Previous historians of Mormonism and slavery have argued for a number of motivations, with the main one being Mormon racism. Bringhurst, whom I here mention as representative, argued that Utah legalized slavery for a number of reasons, with racism being the primary factor: 1) as a response to prominent members of the church who held slaves; 2) to invite southern converts to the church to migrate to Utah; 3) to create an alliance with southerners; 4) to soften or eradicate slavery; 5) as the product of a growing Mormon racism; and 6) to *prevent* Southern slaveholders from migrating to Utah. The conclusion that racism was a primary factor in Utah's legalization of slavery seems plausible at first, considering many of the statements that Brigham Young and others made in the 1850s. However, Bringhurst and others leave out numerous important factors in their analyses, especially the power of Mormon religious conviction and the religious symbolism societies apply to slavery. I discuss these thoroughly in Chapter III along with a more detailed treatment of other possible motivations like the presence of Indian slavery.<sup>16</sup>

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<sup>15</sup>Among historical works on slavery in Utah are Jack Beller, "Negro Slaves in Utah," *Utah Historical Quarterly* 2 (Oct. 1929): 122-6; James B. Christensen, "Negro Slavery in the Utah Territory," *The Phylon Quarterly* 18 (1957), 298-305; Roldo V. Dutson, "A Study of the Attitude of the Latter-Day Saint Church, in the Territory of Utah, Toward Slavery as it Pertained to the Indian as Well as to the Negro from 1847 to 1865," (M.A. thesis, Brigham Young University, 1964); and Dennis L. Lythgoe, "Negro Slavery in Utah," *Utah Historical Quarterly* 39 (Winter 1971): 40-54.

<sup>16</sup>Newell G. Bringhurst, "The Mormons and Slavery—A Closer Look," *Pacific*



With my discussion of Mormon decisions regarding slavery, I assert that early Mormon leaders should be seen as historical actors, rather than flotsam in the sea of history. My fundamental conclusions regarding Mormonism and slavery echo that of Christopher Clark in *The Roots of Rural Capitalism*, who discovered that those he studied “did not just respond to things; they made them happen.” The early Mormon leaders acted socially in ways similar to Clark’s economic actors, slightly shifting the nuance behind their position on slavery as they saw fit, not in response to social or political pressure.<sup>17</sup>

Utah may have been a peculiar place for the peculiar institution of slavery, and for precisely this reason its legislators’ choice to enact laws protecting slavery provides a compelling case study of popular sovereignty in action. Nowhere else in the nation was a people so homogeneous in religious conviction in charge of their own political institutions. And not until the eve of the Civil War did another territory of the United States enact legislation protecting slavery.<sup>18</sup> It is my hope that this thesis will open up

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*Historical Review* 50 (Aug. 1981): 329-338; and *Saints, Slaves, and Blacks*, 68-70. Other historians’ arguments fall within those of Bringhurst: Lester Bush, for example, contends that racism and the simple presence of slaves contributed to slavery’s legalization in Utah, and Ronald G. Coleman argues that the legislature simply responded to Brigham Young’s gubernatorial message at the beginning of the legislative session. See Bush, “Mormonism’s Negro Doctrine,” 23-7; and Ronald G. Coleman, “A History of Blacks in Utah, 1825-1910,” Ph.D.dissertation, University of Utah, 1980.

I have chosen not to examine Indian slavery in greater detail than I do in Chapter III for several reasons. First, Indian slavery was not a concern in national politics during the 1850s, and thus not related to my discussion of Utah on the national scene. Second, as I clarify in Chapter III, the practices of Indian and African-American slavery in Utah were based on different conceptions of the lineages of each group. Third, constraints of time and space have prevented further treatment of the subject.

<sup>17</sup>Christopher Clark, *The Roots of Rural Capitalism: Western Massachusetts, 1780-1860* (Ithaca, NY: Cornell University Press, 1990), 7-8.

<sup>18</sup>I should clarify that I mean *legitimately* enacted slavery legislation—the illegal

more discussion of the role of the far Western territories in shaping both antebellum politics and the nature of popular sovereignty. I also hope that my work adds in positive ways to the growing literature on slavery, race, and Mormonism.

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Lecompton government of Kansas set up pro-slavery laws and petitioned in 1857 for Kansas' admission as a slave state, which was rejected outright when put to a territory-wide vote in August of that year. New Mexico's legislature *legally* protected slavery in 1859 with a Slave Code Act sponsored by delegate to Congress Miguel Otero. Otero apparently hoped to court Southern support for a railroad through New Mexico. See Potter, *The Impending Crisis*, 204ff and 324-5; and Alvin R. Sunseri, "A Note on Slavery and the Black Man in New Mexico, 1846-1861," *Negro History Bulletin* 38 (Oct./Nov. 1975): 458.

## CHAPTER I

### THE HISTORICAL BACKGROUND OF MORMONISM AND AFRICAN-AMERICAN SLAVERY, 1830-1847

*I do not believe that the people of the North have any more right to say that the South shall not hold slaves, than the South have to say the North shall.*

*--Joseph Smith, Jr., April 1836*

*Break off the shackles from the poor black man, and hire them to labor like other human beings; for "an hour of virtuous liberty on earth, is worth a whole eternity of bondage!"*

*--Joseph Smith, Jr., May 1844*

As financial panic gripped the United States in the summer of 1857, Stephen Moore, a young Utah Mormon, received a letter from his non-Mormon uncle in Chicago. "I will take this opportunity," Perrin Bliss told his nephew, "to admonish you to avoid slavery, as you would a deadly enemy—for untold evils—and ultimate ruin are inseparably [*sic*] connected with the system." Bliss was apparently concerned that Stephen might succumb to the temptation to purchase slaves some day.

Perrin Bliss had heard strange rumors about the Mormons and their practices. Polygamy presented few problems for him, though—the rumor that concerned Bliss the most was the purported Mormon practice of African-American slavery in Territorial Utah. "I am informed that your people are in favor of slavery, and have introduced it into your country," he wrote to Stephen. This perplexed Bliss: "if so, they have changed their sentiments[,] for," he recalled, "the Mormons used to be opposed to slavery."<sup>1</sup>

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<sup>1</sup>Perrin Bliss to Stephen Moore, 26 July 1857, and Perrin Bliss to Eunice Moore,

The rumor was true. In 1852, the same year that the Mormon church formally embraced polygamy, the exclusively Mormon Utah Territorial legislature legalized slavery with “An Act in Relation to Service.” The “twin relics of barbarism” were both sanctioned in Utah a full four years before the Republican Party campaigned against them.<sup>2</sup> How, then, did slavery gain legitimacy in Utah? If the Mormons had been, as Perrin Bliss recalled, historically antislavery, what changes took place in Mormon culture and beliefs that led to proslavery legislation in Territorial Utah?

These questions invite another important one: were the early Mormons really “opposed to slavery”? Yes and no. The early Mormons slightly shifted the emphases of their arguments to tacitly support slavery at some times, effectively denounce it at others, and remain aloof when necessary—which was most of the time. This vague approach should have served as a red flag to the politicians who voted in favor of popular sovereignty for Utah in 1850, had they been able to develop a complete historical picture

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26 July 1857, Perrin Bliss Letters, L. Tom Perry Special Collections, Brigham Young University, Provo, UT.

<sup>2</sup>Gustive O. Larson, *The Americanization of Utah for Statehood* (San Marino, CA: The Huntington Library, 1971), 37; and *Acts, Resolutions, and Memorials Passed by the First Annual, and Special Sessions, of the Legislative Assembly, of the Territory of Utah* (Salt Lake City: Brigham H. Young, 1852), 80-2. The “twin relics of barbarism,” referring to polygamy and slavery, was a phrase coined and used during the election of 1856, when John C. Frémont ran as the first presidential candidate of the infant Republican party. It does not appear that Republicans linked the Mormon practice of African-American slavery and the Mormon practice of polygamy, but singled out the Mormons for polygamy and the South for slaveholding. The inclusion of polygamy at all may have been aimed at unifying the disparate interests of the new party, since few outside of the Mormons supported polygamy. See Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century America* (Chapel Hill: University of North Carolina Press, 2002), ch. 2; and James McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 153-162; and Chapter IV of this thesis.

of the Mormon approach to slavery.

#### THE PROBLEM OF POLICY

Following Mormonism's organization in April 1830, Joseph Smith recorded dozens of policies, procedures, and doctrines that his followers regarded as revelations for governing the restored kingdom of God on earth. However, Joseph Smith revealed no uniform doctrine regarding slavery during these earliest years of Mormonism; as a result, scholars have looked to the *Book of Mormon*, first published in 1830, for an indication of how Joseph Smith may have felt about slavery prior to any recorded statements.<sup>3</sup>

The *Book of Mormon* itself contains ambiguous messages on slavery. Some passages declare God's universal love, saying that "he denieth none that come unto him, black and white, bond and free, male and female," and that "all are alike unto God." Likewise, *Book of Mormon* peoples administered of their surplus goods to the needy without respect to their status: "they were liberal to all, both old and young, both bond and free, both male and female."<sup>4</sup> While these verses illustrate a Mormon belief in the love of God transcending social realities, they could also be construed as an acknowledgment and thus an approval of those social realities, including bondage.

Other passages condemn slavery outright, and the *Book of Mormon* also offers

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<sup>3</sup>See, for example, Newell G. Bringhurst, *Saints, Slaves, and Blacks: The Changing Place of Black People Within Mormonism* (Westport, CT: Greenwood Press, 1981), 6-10; Stephen G. Taggart, *Mormonism's Negro Policy: Social and Historical Origins* (Salt Lake City: University of Utah Press, 1970), 15-7; and Richard Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 98, 107-8.

<sup>4</sup>*The Book of Mormon*, 2 Nephi 26:25 and Alma 1:30.

hope for deliverance from bondage.<sup>5</sup> Some statements could be construed as explicitly condemning slavery in America by championing it as a “land of liberty.”<sup>6</sup> Still other passages acknowledge slavery’s practice among *Book of Mormon* peoples, and could be interpreted to validate certain kinds of servitude, especially when the masters adhered to righteous principles or when enslavement could be justified as punishment for disobedience to the laws of God.<sup>7</sup> (Ancient defenders had utilized both of these arguments—the paternalistic benevolence of slaveholders and the “just punishment” approach—and they found advocates throughout the antebellum South.<sup>8</sup>) The variety of ideas about slavery communicated in the *Book of Mormon* complicate the classification

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<sup>5</sup>Ibid., Mosiah 2:13; Alma 27:8-9, 44:2, 61:15, 9:22, 36:27-9, 61:12-3.

<sup>6</sup>Ibid., Alma 46:17; 2 Nephi 1:7; 1 Nephi 13:13,16,19.

<sup>7</sup>Ibid., Mosiah 7:15, 11:23.

<sup>8</sup>As an example of paternalism, consider Thomas Roderick Dew’s 1832 statement that “We have no hesitation in affirming, that throughout the whole slave-holding country, the slaves of a good master are his warmest, most constant, and most devoted friends; they have been accustomed to look up to him as their supporter, director, and defender.” Thomas Roderick Dew, “Abolition of Negro Slavery,” in Drew Gilpin Faust, ed., *The Ideology of Slavery: Proslavery Thought in the Antebellum South, 1830-1860* (Baton Rouge: Louisiana State University Press, 1981), 65; see also Eugene D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Pantheon Books, 1972). The “just punishment” defense was well-defined by St. Augustine during the fifth century C.E. In his *City of God*, book 19, chapter 15, Augustine writes that “The prime cause, then, of slavery is sin, which brings man under the dominion of his fellow,—that which does not happen save by the judgment of God, with whom is no unrighteousness, and who knows how to award fit punishments to every variety of offence.” Antebellum writers generally linked “just punishment” with the “curse of Ham” doctrine, referring to Noah’s proclamation that the posterity of Canaan (son of Noah’s son Ham) would be perpetually slaves to Shem’s posterity (*Holy Bible*, Genesis 9:20-27). Ham’s sin of looking on Noah’s nakedness brought God’s “just punishment” of slavery on the entire African population (the seed of Canaan), so the argument went. See Mason I. Lowance, Jr., ed., *A House Divided: The Antebellum Slavery Debates in America* (Princeton, NJ: Princeton University Press, 2003), 59.

of the work as either pro-slavery or antislavery; the most that can be accurately concluded is that the *Book of Mormon* is neither.

Nor did Joseph Smith intend it to be either pro-slavery or antislavery. The bulk of the *Book of Mormon* addresses God's role in the lives of the people discussed therein. Far from emphasizing race or slavery, "The manifest message of the *Book of Mormon* is Christ's atonement for the world's sins," asserts Richard Bushman. "The Christian gospel overwhelms everything else."<sup>9</sup> Instead of stating explicitly the early Mormon position on slavery, the *Book of Mormon* indicates, along with the absence of other written statements, that there was initially no policy regarding slavery.<sup>10</sup> Additionally, and most significantly, no contemporary Mormon leader or apologist looked to the Book of Mormon for vindication of antislavery or proslavery arguments.<sup>11</sup>

## PREACHING PRACTICES

As the Mormon church grew and spread, however, its members found themselves thrust into the midst of circumstances that challenged their collective neutrality on slavery. During the Nullification Crisis of 1832, when South Carolina declared its

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<sup>9</sup>Bushman, *Rough Stone Rolling*, 107-8.

<sup>10</sup>As emphasized in the introduction to this thesis, this is contrary to Bringhurst's assertion that the *Book of Mormon* "expressed antislavery attitudes" and "contained the genesis of Mormon antislavery thinking," during a racially turbulent time in New England. *Book of Mormon* teachings, in Bringhurst's opinion, "conformed to the prevailing antislavery attitudes in Joseph Smith's upstate New York environment during the 1820s." See Bringhurst, *Saints, Slaves, and Blacks*, 9-10.

<sup>11</sup>That is to say, Bringhurst does not cite, and I have not been able to find, a single instance where a Mormon (or non-Mormon, for that matter) uses the *Book of Mormon's* statements on slavery to argue for or against slavery during Joseph Smith's lifetime.

independence in response to the “Tariff of Abominations” enacted by Congress, Joseph Smith received a “revelation and prophecy on war.” According to the revelation, the rebellion of South Carolina would “eventually terminate in the death and misery of many souls.” More specifically, “the Southern States shall be divided against the Northern States, and the Southern States will call on other nations...and they shall also call upon other nations, in order to defend themselves against other nations; and then war shall be poured out upon all nations.” The revelation mentions slaves briefly, in the context of rebellions: “And it shall come to pass, after many days, slaves shall rise up against their masters, who shall be marshaled and disciplined for war.” After cataloguing other disasters: disease, famine, earthquakes, and storms (all for the purpose of “aveng[ing]” God’s chosen people “of their enemies”), the revelation concludes with counsel to the faithful to “stand...in holy places, and be not moved, until the day of the Lord come.” The revelation says nothing regarding the morality of slavery, *per se*. Its mention of slave uprisings argues neither for nor against the peculiar institution, since the fear of slave insurrection had plagued many Southern minds following Nat Turner’s 1831 rebellion. By late 1832 the most that could be said of Mormons in relation to slavery was that they were cognizant of it as a problem within the context of larger punishments to be unleashed on those who found themselves out of favor with God.<sup>12</sup>

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<sup>12</sup>*Doctrine and Covenants* 87; also Joseph Smith, Jr., *History of the Church of Jesus Christ of Latter-day Saints*, ed. Brigham H. Roberts (Salt Lake City: Deseret Book Company, 1980), 1:301-2. On the Nullification Crisis, see William W. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816-1836* (New York: Harper & Row, 1966), and a briefer discussion in Freehling’s *The Road to Disunion, vol. 1: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990), ch. 14. Smith did not circulate the revelation on war widely; the church did not publish it in the *Doctrine and Covenants* until 1851. Brigham Young said that Smith kept the revelation secret because “It was not wisdom to publish it to the world,” thus “it



Also by 1832, the Mormons had established two headquarters or “gathering places”—one in Kirtland, Ohio, and the other in Jackson County, Missouri. As part of the settlement in Jackson County, William W. Phelps founded the publishing office that produced one of the earliest Mormon periodicals, *The Evening and Morning Star*. Phelps began publishing the *Star* in July 1832 and initially utilized it as a forum for disseminating Mormon beliefs and general information for church members. In early 1833, Joseph Smith encouraged Phelps to expand the *Star*’s horizons: “We wish you to render the *Star* as interesting as possible...for if you do not render it more interesting than at present, it will fall, and the Church suffer a great loss thereby.”<sup>13</sup> Whether Phelps considered slavery a subject worthy of inclusion for its “interest,” his remarks on slavery and the emigration of free blacks to Missouri, in the July 1833 issue of the *Star*, certainly excited the interest of the Mormons’ Jackson County neighbors.

Phelps began the article, titled “Free People of Color,” with an explanatory statement: “To prevent any misunderstanding among the churches abroad, respecting

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remained in the private *escritoire*.” Although Young did not clarify why it would have been unwise to publish this specific prophecy, he did later say that some revelations are held back from the public because “There are men upon whom God has bestowed gifts and graces...and yet they cannot receive the truth; and then the truth condemns them: it leaves them in darkness.” In the case of the prophecy on war, then, Brigham seems to argue that something, still unspecified, about sharing it earlier would have worked to his people’s personal confusion, rather than inviting anti-Mormon hostility over the slavery issue. *Journal of Discourses*, vol. 8 (Liverpool: George Q. Cannon, 1861): 58-9.

<sup>13</sup>Joseph Smith to William W. Phelps, 14 Jan. 1833, in Smith, *History of the Church*, 1:317. Smith and other Mormon leaders addressed similar comments to Phelps in a letter dated 25 Jun. 1833, encouraging him once again to “seek to render [the *Star*] more and more interesting.” Phelps probably did not receive this letter before publishing the July issue of the *Star* that caused so much trouble for the Missouri Mormons, however. See Joseph Smith *et al* to “The brethren in Zion,” 25 Jun. 1833, in Smith, *History of the Church*, 1:367-8.

free people of color, who may think of coming to the western boundaries of Missouri, as members of the church, we quote the following clauses from the laws of Missouri.”

Following the introduction, Phelps reproduced in the *Star* two sections of Missouri code relating to free blacks entering the state, in essence stating that they were prohibited without certificates of citizenship in another state. After quoting these two sections of code, Phelps summed up his opinion thus:

Slaves are real estate in this and other states, and wisdom would dictate great care among the branches of the church of Christ, on this subject. *So long as we have no special rule in the church, as to people of color, let prudence guide*; and while they, as well as we, are in the hands of a merciful God, we say: Shun every appearance of evil.<sup>14</sup>

As statements of Mormon belief or position on slavery and free blacks, Phelps’ careful suggestions seemed in line with the ambiguity of the *Book of Mormon* and the absence of any “special rule” on these two issues.

Several pages later in the same issue of the *Star*, Phelps printed a letter from “The Elders Stationed in Zion, to the Churches Abroad, in Love Greeting.” In this letter, Phelps referred the readers to his article on free black emigration printed earlier in the issue. “Great care should be taken on this point,” Phelps reemphasized, for “The Saints must shun every appearance of evil.” Revisiting Mormon neutrality on slavery, Phelps wrote briefly, “As to slaves we have nothing to say.” The very next sentence, however, said a great deal—and very loudly—to Missourians on edge about Mormons in their midst: “In connection with the wonderful events of this age, much is doing towards

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<sup>14</sup>*The Evening and Morning Star* (Independence, MO), vol. 2, no. 14 (July 1833): 218. Emphasis added.

abolishing slavery, and colonizing the blacks, in Africa.”<sup>15</sup> While Phelps’ punctuation indicates he may have had in mind efforts to end the slave trade *in Africa*, the connection of “abolishing slavery” with “wonderful events” offended too many Missourians to easily defuse. The Jackson County Mormons found themselves in a maelstrom of violent opposition that would follow them until they left Missouri’s borders.

A group of Missourians organized opposition to the Mormons soon after Phelps published his article, circulating their own “Manifesto” or “Secret Constitution” which explained their perception of Mormon attitudes and proposed a course of action. After reporting rumors of Mormon “tampering with...slaves, and endeavoring to sow dissensions and raise seditions among them,” the Manifesto discussed Phelps’ article specifically:

In a late number of the *Star*, published in Independence by the leaders of the [Mormon] sect, there is an article inviting free negroes and mulattoes from other states to become “Mormons,” and remove and settle among us. This exhibits [the Mormons] in still more odious colors. It manifests a desire on the part of their society, to inflict on our society an injury that they know would be to us entirely insupportable, and one of the surest means of driving us from the country; for it would require none of the supernatural gifts that they pretend to, to see that the introduction of such a caste amongst us would corrupt our blacks, and instigate them to bloodshed.

The mob’s Manifesto concluded that “we owe to ourselves, our wives, and children, to the cause of public morals, to remove them from among us,” and called upon the citizens of Jackson County to meet in Independence on 20 July 1833 to discuss the matter further.<sup>16</sup>

At this crucial juncture, Mormon leaders published no new statements regarding a

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<sup>15</sup>Ibid., 221.

<sup>16</sup>“Manifesto of the Mob,” in Smith, *History of the Church*, 1:375-6.

policy on slavery, though such statements would have proved most opportune.<sup>17</sup> Phelps did publish an “Extra” edition of the *Star* to try and counter some of the Missourians accusations and interpretations of his earlier article: “We often lament the situation of our sister states in the south, and we fear, lest, as has been the case, the blacks should rise and spill innocent blood: for they are ignorant, and a little may lead them to disturb the peace of society.” Phelps went on to emphasize his—and the Missouri church’s—opposition to the emigration of free blacks: “we are opposed to have free people of color admitted into the state; and we say, that none will be admitted into the church, for we are determined to obey the laws and constitutions of our country.”<sup>18</sup> While he overstretched his authority in proclaiming the church’s opposition to converting free blacks, Phelps maintained the church’s overall neutrality on slavery. Unfortunately for the Jackson County Mormons, the mob that gathered on 20 July 1833 ignored Phelps’ neutrality, destroying the *Star* office and expelling Phelps and a number of prominent Mormon leaders from the county.<sup>19</sup>

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<sup>17</sup>Joseph Smith did receive a revelation in Dec. 1833 that gave numerous reasons for the persecutions the Missouri Saints underwent, as well as counsel regarding their courses of redress, concluding that “it is not right that any man should be in bondage one to another.” In fact, it was “for this purpose” that God “established the Constitution of this land.” According to the surrounding text, it does not appear that the “bondage” here referred to meant slavery, but rather the specific kind of oppression, without defense or redress under law, that the Missouri Mormons had experienced. The Mormons also did not appear to consider this “bondage” equal in nature to slavery, based on their continuing non-action towards slavery and later disassociation with radical abolitionism, explored below. See Smith, *History of the Church*, 1:463; *Doctrine and Covenants* 101:79-80; and Lester Bush, “Mormonism’s Negro Doctrine: An Historical Overview,” *Dialogue* 8 (1973): 13.

<sup>18</sup>*The Evening and the Morning Star Extra*, 16 Jul. 1833.

<sup>19</sup>Smith, *History of the Church*, 1:390-5.

Besides a few printed statements condemning extreme abolitionists, Mormons continued to remain collectively aloof from the slavery issue through 1836. Oliver Cowdery, who took over the *Evening and Morning Star* from its new headquarters in Kirtland, defended the Missouri Mormons in a January 1834 article on “The Outrage in Jackson County, Missouri”: “[W]e deny the charge, that the slaves in that county were ever tampered with by us, or at any time persuaded to be refractory, or taught in any respect whatever, that it was not right and just that they should remain peaceable servants.”<sup>20</sup> A year and a half later (August 1835), the church finally adopted neutrality as official policy with an article on “Governments and Laws in General” appended to the first edition of the *Doctrine and Covenants*, a collection of Joseph Smith’s revelations. “We believe,” the statement proclaimed regarding slavery,

[I]t [is] just to preach the gospel to the nations of the earth, and to warn the righteous to save themselves from the corruption of the world; but we do not believe it right to interfere with bondservants, neither preach the gospel to, nor baptize them contrary to the will and wish of their masters, nor to meddle with or influence them in the least to cause them to be dissatisfied with their situations in this life, thereby jeopardizing the lives of men; such interference we believe to be unlawful and unjust, and dangerous to the peace of every government allowing human beings to be held in servitude.<sup>21</sup>

This statement was “accepted and adopted...by a unanimous vote” as an “expression...of the belief of the Saints at that period on [this] subject,” reflecting a position not of anti-abolitionism, but non-interference.<sup>22</sup>

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<sup>20</sup>*The Evening and Morning Star* (Kirtland, Ohio), vol 2., no. 16 (Jan. 1834): 243.

<sup>21</sup>Smith, *History of the Church*, 2:249; also *Doctrine and Covenants* 134:12.

<sup>22</sup>*Ibid.*, 247, and footnote, p. 246. I make the distinction here between “antiabolitionism” and “non-interference,” because I believe other scholars fail to address the subtleties involved with the position the Mormons took. The writers of this statement couch it in terms of what the church’s official approach should be—there is no

## PRO-SLAVERY OR PAN-SECTIONALISM?

Although some Mormons published articles through the fall of 1835 that did criticize abolitionism, no statement took the place of the 1835 neutrality declaration until Joseph Smith published his personal views on slavery in April 1836.<sup>23</sup> That month, James W. Alvord, an emissary for the American Anti-Slavery Society, organized a Kirtland chapter of the Society with 86 members, at least one of them a Mormon.<sup>24</sup> Lest people begin identifying the Mormons with the anti-slavery interest, Smith clarified his position on slavery and abolition in a letter to the editor of the *Latter Day Saints' Messenger and Advocate*, another Mormon periodical. Smith wrote that Alvord's meetings in Kirtland were ill-attended, and that "the gentleman [held] forth his arguments to nearly naked walls." Smith had another impetus for writing, however: "I am promoted to this course in consequence...of many elders having gone into the Southern states, besides, there now being many in that country who have already embraced the fulness of the gospel." Mormonism was becoming a pan-sectional church, and Smith, as president, needed to clarify "the views and sentiments [he] believe[d], as an individual,"

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condemnation, castigation, or even mention of abolitionist approach. "We believe," the statement says—not "We oppose what the abolitionists believe," though the Mormon position does run counter to radical abolitionist sentiment.

<sup>23</sup>For example, W.W. Phelps criticized those "false prophets" who led "abolition of slavery societies," (among other "false prophets" of temperance societies, Bible societies, and missionary societies); and the editor of the *Star* who replaced W.W. Phelps in Kirtland characterized individuals who would not expose insurrectionist abolitionists as "beneath even the slave himself and unworthy of the privileges of a free government." *Latter-Day Saints' Messenger and Advocate*, vol. 1, no. 7 (Apr. 1835): 97; and the *Evening and Morning Star*, vol. 2, no. 16 (Jan. 1834): 122. See also Bringhurst, *Saints, Slaves, and Blacks*, 19-20, 25 for more examples of what Bringhurst identifies (inaccurately, I believe) as antiabolitionist statements from 1834-8.

<sup>24</sup>Bringhurst, *Saints, Slaves, and Blacks*, 15, and note 3, p. 26-7.

as well as “the feelings of others,” regarding slavery, an issue that could divide his flock without his personal endorsement of one side or another.

Smith took the middle ground, encouraging simply a maintenance of the status quo, although his position appeared ostensibly sympathetic to the pro-slavery cause.<sup>25</sup> He urged the abolitionists to “cease their clamor, and no further urge the slave to acts of murder, and the master to vigorous discipline, rendering both miserable, and unprepared to pursue that course which might otherwise lead them both to better their condition.” Smith blamed extreme abolitionism for the violent slave insurrections of the South, praising “those who hold slaves” as “persons of ability, discernment, and candor.” Besides, Smith mused, “It may, no doubt, with propriety be said, that many who hold slaves live without the fear of God before their eyes, and the same may be said of many in the free states.” Who were abolitionists to pluck Southern notes, when their own beams greatly obstructed their vision? “I do not believe,” Smith concluded this line of reasoning, “that the people of the North have any more right to say that the South *shall not* hold slaves, than the South have to say the North *shall*.” Any other course of action

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<sup>25</sup>Numerous authors have argued that Smith’s statement was undeniably pro-slavery (Brigham, *Saints, Slaves, and Blacks*, 15-6, 20; Bush, “Mormonism’s Negro Doctrine,” 14-5; Taggart, *Mormonism’s Negro Policy*, 44-53). However, it is important to realize that, at this point in time, slavery advocates agitated for both the annexation of Texas (into which slavery could be extended on a larger scale than already extant there) and the guaranteed perpetuity of slavery, both subjects which Smith chose not to address (specifically) at this time. This confirms my argument that he kept to the middle ground, even if his position changed slightly to defend owning slaves—although his insistence that slave owners be left alone could be read as a plead for a “gag rule” writ large (and thus an argument for slavery’s perpetuity), since both branches of Congress had recently imposed a restriction on the introduction of any petitions dealing with slavery (the “Gag Rule”). See Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government’s Relations to Slavery* (New York: Oxford University Press, 2001), 119, 266-7; and Freehling, *The Road to Disunion*, chs. 17-19.

could do nothing but invite hostility between the sections: “What can divide our Union sooner, God only knows!”

Furthermore, revealed scripture, handed down through the ages, vindicated the slaveholders in enslaving blacks. Quoting the book of Genesis, Smith affirmed that “a servant of servants shall [Canaan] be unto his brethren.” Accounts in the Pauline epistles confirmed the existence of slavery among the ancient Christians, requiring faithful service of servants and godly mercy of masters. Southerners used these scriptures often to justify slavery, despite the apparent difficulties in linking the biblical “servant” to the contemporary “slave” and connecting blacks to the Hamitic/Canaanite line of descent.<sup>26</sup> Skirting these difficulties, Smith searched for the underlying principles: God had willed the enslavement of millions of Africans, for whatever reason unbeknown to mankind, and “the people who interfere the least with the decrees and purposes of God in this matter, will come under the least condemnation before him,” for “God can do his own work without the aid of *those who are not dictated by his counsel.*”<sup>27</sup> Here Smith revealed a fundamental assumption behind his approach to slavery: God would direct His people how to act. The Mormons believed that God was directing their church through Joseph Smith, and Smith believed that God would really direct him in all essential matters. In 1830, less than six months after founding the church, Smith recorded a revelation in which God told the Mormon people, “no one shall be appointed to receive

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<sup>26</sup>*Holy Bible*, Genesis 9:25-7; Smith also quoted Ephesians 6:5-9 and 1 Timothy 6:1-5. See John Ashworth, *Slavery, Capitalism, and Politics in the Antebellum Republic, vol. 1: Commerce and Compromise, 1820-1850* (New York: Cambridge University Press, 1995), 214-5; and Lowance, *A House Divided*, 56-60.

<sup>27</sup>*Latter Day Saints' Messenger and Advocate* (Kirtland, Ohio) vol. II, no. 7 (April 1836): 289-90; emphasis added.



commandments and revelations in this church excepting my servant Joseph Smith, Jun., for he receiveth them even as Moses.”<sup>28</sup> Through 1836, however, this direction had not led to any instruction on the abolition of slavery, leaving intact the ancient biblical injunctions on slavery’s legitimacy.

In closing his letter for the *Messenger and Advocate*, Smith referred to the 1835 statement of neutrality, reminding the “travelling elders” that “All men are to be taught to repent; but we have no right to interfere with slaves contrary to the mind and will of their masters.” In fact, Smith recommended, “it would be much better and more prudent, not to preach at all to slaves, until after their masters are converted.” Then they could be instructed to “use” their slaves “with kindness” according to their God-governed consciences. Smith ultimately hoped that “no one who his authorized from this church to preach the gospel, will so far depart from the scripture as to be found stirring up strife and sedition against our brethren of the South.” The unification of the church under one position in acting towards slavery remained Smith’s chief goal in writing, with a view towards eradicating contention on the subject. “I leave all in the hands of God,” Smith concluded, “who will direct all things for his glory and the accomplishment of his work.” Here, again, was the bottom line: should God will any other course of action regarding slavery, He would direct it to be so through Joseph Smith. Until then, however, maintaining the status quo *was* the will of God.<sup>29</sup>

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<sup>28</sup>*Doctrine and Covenants* 28:2. On Joseph Smith’s view of his prophetic role, see Bushman, *Joseph Smith*, 127-8ff.

<sup>29</sup>*Messenger and Advocate*, vol. II, no. 7 (April 1836): 291. Church members also held the view that Joseph *could* be inspired in all things, but might not necessarily be so at all times. Writing to a clergyman of another faith, Orson Spencer explained in 1842 that Joseph Smith “often speaks in the name of the Lord, which would be rank hypocrisy

## POLITICS AND THE PRESIDENCY

The Mormons continued to keep this policy for more than six years, occasionally reaffirming that they were not abolitionists. By 1842, however, a new mood had emerged at the new Mormon headquarters of Nauvoo, Illinois, which caused Joseph Smith to eventually add a different nuance to the official moderate position. Having emigrated from Missouri several years previously, many members of the church began to outspokenly castigate their former slaveholding oppressors, in addition to condemning slavery itself. Since Illinois prohibited slavery, Mormons' explicit opposition would not engender as much hostility as among their Missourian neighbors.<sup>30</sup>

Interestingly, Mormon responses to the perceived oppression of slavery advocates mirrored those of other contemporaries who felt "driven" to antislavery by slavery advocates. The "Gag Rule" controversy of 1836-1844 "sketched in battle lines and

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and mockery if he were not inspired to do it." Spencer conceded his personal belief "that prophets may speak as they are moved by the Holy Ghost, at one time, while they may be very far from being moved by the Holy Ghost as they speak at another. They may be endowed with power to perform miracles and mighty deeds at one time, while they have no authority, and there is no suitableness in doing the same at another time." Orson Spencer to William Crowel, 17 Nov. 1842, in *Correspondence between the Rev. W. Crowel, A.M., and O. Spencer, B.A.* (Liverpool: R. James, 1847), 10.

<sup>30</sup>See Bringhurst, *Saints, Slaves, and Blacks*, 56-60, and Bush, "Mormonism's Negro Doctrine," 18-9, for discussion of anti-slavery articles. This is not to say that Illinois was the seedbed of abolitionism, however. As historian Leonard Richards has noted, congressmen from Illinois and other Northern states on the "frontier" also voted with the South in the 1840s. Moderate border districts allowed pro-South votes without political repercussions initially. See Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000), 171-7. Illinoisans' votes on the Utah bill (five out of seven representatives voted in favor, with one not voting) might be considered a case in point except for the outspoken Mormon antislavery here mentioned. It seems more likely that Illinois representatives were willing to vote with the South on the Utah bill because they favored compromise but also remembered Mormon hostility towards slavery.

hardened contestants” on both sides, especially Northern Whigs who “feared future cave-ins to Slavepower ultimatums.” The Fugitive Slave Act, and attempts to enforce it (culminating in the controversial Supreme Court decision in *Dred Scott v. Sanford*), offered an excellent recruiting tool for abolitionists—for example, theologian Horace Bushnell generally opposed militant abolitionism, but attacked the Fugitive Slave Law of 1850 for its injustices. The caning of Charles Sumner in 1856 also convinced many Northerners that Southerners cared little for free expression or solving differences through legitimate political dialogue. In general, a growing fear of a southern “Slave Power” led many Northerners to more extreme positions in opposition to slavery.<sup>31</sup>

While his people may have had sufficient cause to join the abolitionist camp, Joseph Smith initially maintained the overall neutrality of the church. In 1842 he published in the *Times and Seasons*, Nauvoo’s Mormon periodical, a series of letters between Nauvoo mayor John C. Bennett and Charles V. Dyer, a Chicago physician who wanted to garner Mormon support for abolitionism. Bennett informed Dyer of Mormon persecutions at Missouri slaveholders’ hands, and expressed disdain for bondage of any kind:

[M]y heart is filled with indignation, and my blood boils within me, when I contemplate the vast injustice and cruelty which Missouri has meted out to...Joseph Smith, and his honest and faithful adherents—the Latter Day Saints, or Mormons....Now let us make a strong, concerted, and vigorous effort, for UNIVERSAL LIBERTY, to every soul of man—civil, religious, and political.

After “perusing” Bennett’s letter to Dyer, Joseph Smith responded with his own lamentation, echoing some of Bennett’s language: “[I]t makes my blood boil within me

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<sup>31</sup>Freehling, *The Road to Disunion*, 352; Lowance, *A House Divided*, 462; David M. Potter, *The Impending Crisis, 1848-1861* (New York: Harper & Row, Publishers, 1976), 294-5, 220-1; and Richards, *The Slave Power*, 3-4, 145.

to reflect upon the injustice, cruelty, and oppression, of the rulers of the people—when will these things cease to be, and the Constitution and the Laws again bear rule?”

Speaking generally of oppression, he continued, “I fear for my beloved country—mob violence, injustice, and cruelty, appear to be the darling attributes of Missouri, and no man taketh it to heart!”<sup>32</sup>

Mormon enemies viewed this exchange as an explicit statement in favor of abolitionism from the Mormon prophet. Like William W. Phelps nine years earlier, Joseph Smith responded to his critics with an affirmation of his moderation. “[T]he correspondence does not show either myself or Gen. Bennett to be abolitionists,” Smith wrote, “but the friends of *equal rights and privileges to all men*.” The most that could be asserted from his statements, Smith asserted, was that the Mormons wanted equal treatment for all before the law, especially themselves.<sup>33</sup> Several months later, Smith reaffirmed his commitment to this position, emphasizing his (and his people’s) opposition to the kind of cruelty they and abolitionists had experienced in common, while avoiding moralizing about slavery:

The church of Latter-Day Saints will not be the only people, who complain of injustice and oppression from the people and government of Missouri. We care nothing about abolitionism, and have nothing to do with it, but we do care about the honor and virtue of our country, and want an equal enjoyment of rights and privileges from the banker to the beggar; from the president to the peasant.<sup>34</sup>

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<sup>32</sup>John C. Bennett to Charles V. Dyer, 20 Jan. 1842, and Joseph Smith, Jr. to John C. Bennett, 7 Mar. 1842, in *Times and Seasons* (Nauvoo, IL) vol. III, no. 10 (15 Mar. 1842): 724. Emphasis in original.

<sup>33</sup>*Times and Seasons*, vol. III, no. 15 (1 Jun. 1842): 808. Emphasis in original.

<sup>34</sup>*Times and Seasons*, vol. III, no. 23 (1 Oct. 1842): 940.

Note that Smith did not include slaves, only “beggars” and “peasants.” Even though members of the church expressed antislavery feelings, Smith seemed intent on remaining neutral, while also avoiding his earlier scriptural defense of slavery.

Over the course of the following year and a half, however, Smith would change to embrace a moderate antislavery view, exemplified in his 1844 presidential platform. The reason is unclear, although scholars have striven to attribute Smith’s shift to any number of factors.<sup>35</sup> One possible explanation, which scholars have ignored or slighted, is that Smith began to realize principles that he had revealed over a dozen years earlier might apply to slavery as an issue. In 1831, Smith gave to the “elders of [the] church” who had barely arrived in Jackson County, Missouri, counsel regarding “what [the Lord] will[ed] concerning” them:

For behold, it is not meet that I should command in all things; for he that is compelled in all things, the same is a slothful and not a wise servant; wherefore he receiveth no reward. Verily I say, men should be anxiously engaged in a good cause, and do many things of their own free will, and bring to pass much righteousness; for the power is in them, wherein they are agents unto themselves. And inasmuch as men do good they shall in nowise lose their reward. But he that doeth not anything until he is commanded...the same is damned.<sup>36</sup>

By 1844 Smith had still not, he believed, received any revelation from God regarding slavery, yet striving for its end certainly fell within the bounds of being “anxiously engaged in a good cause.” It appears that the approach Smith took towards slavery from the beginning of his presidential campaign through the end of his life reflected this view—his “own free will” in action. Whatever the reasons behind the course he took, Illinoisans (like Perrin Bliss, from the beginning of this chapter) and others would

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<sup>35</sup>See the Introduction of this thesis.

<sup>36</sup>*Doctrine and Covenants* 58:1, 26-29.

remember the Mormons as antislavery, probably based on Smith's platform.

The platform itself reflects a desire to reconcile differences between any hostile elements, seeking justice for the oppressed while also respecting the Constitution as the supreme law of the land. Smith's prime motivation for running was to inform the nation of the injustices Mormons had suffered at the hands of Missourians and, by implication, the politicians who failed to defend them. "We have been sold once in the State of Missouri," the *Times and Seasons* proclaimed, "and our liberties bartered away by political demagogues through executive intrigue, and we wish not to be betrayed again.... Under existing circumstances we have no other alternative" than to nominate Joseph Smith for the presidency. Like the Northerners driven to antislavery by the fear of a growing "Slave Power," over a decade of oppression without redress prodded the Mormons toward a different course of action—defending their "liberties" on their own, liberties that had been "bartered" or simply "sold" for the ultimate gain of Missourians and "political demagogues," some of whom were, significantly, slave holders.<sup>37</sup>

Smith's platform portrays himself as champion of those liberties denied his people, and others, by the United States as a whole. Glaringly first among the contradictions that Smith points out in American principles is the Declaration of Independence's proclamation "that all men are created equal," while, "at the same time, some two or three millions of people are held slaves for life, because the spirit in them is covered with a darker skin than ours." Almost equal in severity, however, was the unjust incarceration of "hundreds of our own kindred" while countless criminals of a different sort went unpunished: "the duellist, the debauchee, and the defaulter for millions, and

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<sup>37</sup>*Times and Seasons*, vol. V, no. 4 (15 Feb. 1844): 441.

other criminals.” The just spirit of the United States, “the freest, wisest, and most noble nation of the nineteenth century,” should motivate its citizens and leaders to strive for liberty for all, Smith believed: “the main efforts of [the United States’] officers...ought to be directed to ameliorate the condition of all: black or white, bond or free.”

And then, interestingly and quite abruptly, Smith moves from his dialogue on liberty to a discussion of national unity and the corrupting influence of power, beginning a lengthy treatise on the American presidents and their views on government. “I am astounded at the silly moves of persons and parties, to foment discord in order to ride into power on the current of popular excitement,” Smith writes. He then quotes Washington’s first inaugural address, which expresses hope that sectional interest would be overshadowed by national unity and that “national policy” would have as its basis “the pure and immutable principles of private morality.” Had the nation followed such noble ideas, much contemporary strife could have been avoided, Smith asserts, including Missouri’s “expelling her [Mormon] citizens by executive authority.”

Leaving Washington, and after briefly visiting John Adams, Smith continues his travels through the former presidents’ sentiments with a discussion of Jeffersonian liberties, focusing on rights and unity as his devices of continuity: “When the people are secure and their rights properly respected,” Smith asserts, there should be no need for government interference but to protect their prosperity. Borrowing from Madison, Smith proclaims his commitment “to hold the union of the States as the basis of their peace and happiness” and “to support the constitution, which is the cement of the union...[and] to respect the rights and authorities reserved to the states and the people.” James Monroe also proclaimed the government’s commitment to protect “every citizen in the full

enjoyment of his rights.” John Quincy Adams was right to praise the young country when he was president, saying that “Liberty and law have walked hand in hand.” Likewise, Andrew Jackson illustrated the true role of government: “as long as it secures to us the rights of person and property, liberty of conscience, and of the press, it will be worth defending.” The nation reached its “*acme* of...glory” during Jackson’s presidency, according to Smith, and began to decline through Van Buren, Harrison, and Tyler’s presidencies. “No man can doubt for a moment,” Smith surmises, “but the glory of American liberty, is on the wane.”

Here Smith pauses to condemn those who, he anticipates, will “sooner or later” stir up opposition for fame or power, including abolitionists: “A hireling pseudo priesthood will plausibly push abolition doctrines and doings, and ‘human rights’ into Congress and into every other place, where conquest smells of fame, or opposition swells to popularity.” The solution seemed simple, in Smith’s view: “Reduce Congress at least one half. Two Senators from a state and two members to a million of population, will do more business than the the army that now occupy the [Congress].” States could take other steps to defuse the troubling issues of the day, for example, by reforming the prison systems to become “seminaries of learning.”

After hints at his opposition to abolitionist tactics, Smith then addresses slavery within the context of removing contentious subjects from national debate:

Petition also, ye goodly inhabitants of the slave states, your legislators to abolish slavery by the year 1850, or now, and save the abolitionist from reproach and ruin, infamy and shame.<sup>38</sup> Pray Congress to pay every man a reasonable

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<sup>38</sup>Why Smith would expect Southerners to act out of any concern for abolitionists remains unclear. Smith seems to have hoped that, by removing slavery from public debate, the hard feelings between abolitionists and slave owners may have been alleviated, and violence (like that exhibited in “Bleeding” Kansas, at Harper’s Ferry



price for his slaves out of the surplus revenue arising from the sale of public lands, and from the deduction of pay from the members of Congress. Break off the shackles from the poor black man, and hire them to labor like other human beings; for “an hour of virtuous liberty on earth, is worth a whole eternity of bondage!”<sup>39</sup>

Here Smith proclaims what he views as the perfect formula for solving the slavery problem: gradual, compensated emancipation. Ending slavery in this manner would remove the issue completely from debate, preventing further abolitionist agitation (and the violence wrought by and against the abolitionists) while also dealing justly with slave-owners. This course of action would “create confidence! restore freedom!--end slavery!” and cause mankind to “be in love, fellowship, and peace with all the world!”

Had Joseph Smith become an abolitionist? He would maintain that he had not, as would contemporary abolitionists, especially in terms of tactics.<sup>40</sup> But he *had* committed

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under John Brown’s leadership, and in the Civil War itself) avoided, with the attendant “reproach and ruin, infamy and shame” that could follow.

<sup>39</sup>The quote “an hour...bondage” is paraphrased from two lines of Joseph Addison’s 1713 tragedy, *Cato*, Act II, scene 1. Cato was encouraging the Senate to resist surrender as long as possible in the face of Caesar’s advancing army. The original reads, “While there is hope, do not distrust the gods;/ But wait at least till Caesar’s near approach/ Force us to yield. ‘Twill never be too late/ To sue for chains, and own a conqueror./ Why should Rome fall a moment ere her time!/ No, let us draw her term of freedom out/ In its full length, and spin it to the last,/ So shall we gain still one day’s liberty;/ And let me perish, but in Cato’s judgment,/ A day, an hour, of virtuous liberty,/ Is worth a whole eternity in bondage.” According to B.H. Roberts, this and other quotes, along with some phrases in foreign languages, may have been inserted into the platform by William W. Phelps, or at least included at his suggestion. See Smith, *History of the Church*, 6:75, unnumbered fn.

<sup>40</sup>Two examples: John Greenleaf Whittier, a popular author, poet, and essayist who often contributed to William Lloyd Garrison’s abolitionist periodical, *The Liberator*, called for “the only just scheme of emancipation: Immediate abolition of slavery; an immediate acknowledgment of the great truth, that man cannot hold property in man....The term immediate is used in contrast with that of gradual.” A decade earlier, Garrison himself rejected his former acceptance of gradual emancipation: “I shall strenuously contend for the immediate enfranchisement of our slave population....[one

himself to ending slavery within the larger context of general liberty, at the same time preserving property rights. Rights and liberty could truly be reconciled under his plan, Smith believed, as virtuous men sought actively to preserve the unity of the nation. “[W]hen th[e] people [of the nation collectively] petitioned to abolish slavery in the slave states, I would use all honorable means to have their prayers granted: and give liberty to the captive; by giving the southern gentleman a reasonable equivalent for his property, that the whole nation might be free indeed!” Herein lay the active principle of democracy—the *only* active principle that should be able to legitimately end slavery: “In the United States, the people are the government; and their united voice is the only sovereign that should rule.” While Smith now believed that slavery should be abolished, he also believed that it had to be a collective choice of the people.<sup>41</sup>

Later in 1844, Charles Francis Adams and his cousin Josiah Quincy visited Nauvoo and met with Joseph Smith. As they talked of Smith’s bid for the presidency, the discussion came to his views on slavery. After sharing his plan for compensated emancipation, Joseph Smith went on to emphasize that “Congress...should be compelled to take this course, by petitions from all parts of the country; but the petitioners must disclaim all alliance with those who would disturb the rights of property recognized by

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and a half years ago] I unreflectingly assented to the popular but pernicious doctrine of gradual abolition. I seize this opportunity to make a full and unequivocal recantation, and thus ask pardon of my God, of my country, and of my brethren the poor slaves, for having uttered a sentiment so full of timidity, injustice, and absurdity.” Neither Whittier nor Garrison would have accepted Smith’s platform in the 1830s, nor would they and most of their abolitionist colleagues by 1844. See Lowance, *A House Divided*, 174, 348.

<sup>41</sup>*General Smith’s Views of the Powers and Policy of the Government of the United States* (Nauvoo, IL: John Taylor, 1844), 3-8; this pamphlet was also reprinted using the same typeset in the *Times and Seasons*, vol. V, no. 10 (15 May 1844): 528-33. He dates the remarks 7 Feb. 1844.

the Constitution and foment insurrection.” Recalling the meeting forty years later, Quincy was impressed with Smith’s plan, since a similar one had been advocated by Ralph Waldo Emerson in 1855. If Emerson “was in advance of his time when he advocated this disposition of public property in 1855,” Quincy concluded, “what shall I say of the political and religious leader who had committed himself, in print as well as in conversation, to the same course in 1844?” It is unclear whether Quincy had been as impressed with Joseph Smith’s plans at the time, but, “look[ing] back upon the terrible cost of the fratricidal war which put an end to slavery,” he certainly regarded the Mormon leader highly. Other Nauvoo visitors shared Quincy’s sentiments. One correspondent of the *Iowa Democrat* wrote of Smith, “I take him to be a man who stands far aloof from little caucus quibblings and squabblings....all parties will find a friend in him so far as right is concerned.”<sup>42</sup>

Joseph Smith’s commitment to ending slavery through legal means that also recognized the property rights of slaveholders is illustrated in an interesting piece of Mormon lore, recalled by Mary Frost Adams over sixty years after its occurrence. In 1843 or 1844, Nauvoo officials arrested a black man named Anthony “for selling liquor on Sunday, contrary to law.” When pressed why he had so violated city regulations, Anthony replied that “the reason he had done so was that he might raise the money to

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<sup>42</sup>Josiah Quincy, *Figures of the Past* (Boston: Roberts Brothers, 1883), ch. 10, reproduced in William Mulder and A. Russell Mortensen, eds., *Among the Mormons* (Salt Lake City: Western Epics, Inc., 1994), 141; and Smith, *History of the Church*, 6:269-70. Quincy wrote in his same work the oft-quoted introduction to Joseph Smith: “It is by no means improbable that some future text-book, for the use of generations yet unborn, will contain a question something like this: What historical American of the nineteenth century has exerted the most powerful influence upon the destinies of his countrymen? And it is by no means impossible that the answer to that interrogatory may be thus written: *Joseph Smith, the Mormon Prophet.*”

purchase the freedom of a dear child held as a slave in a Southern state.” Through some means, Anthony had been able to purchase freedom for himself and his wife, but not their child. Having arrived in Nauvoo and secured employment, Anthony “now wished to bring his little child to their new home.”

Joseph Smith’s initial judgment seemed harsh, if just: “I am sorry, Anthony, but the law must be observed, and we will have to impose a fine.” After considering the situation overnight, however, Smith appears to have relented and shown compassion for Anthony’s plight, as Adams recalled, “The next day Brother Joseph presented Anthony with a fine horse, directing him to sell it, and use the money obtained for the purchase of the child.” And there the story ends. The details of the story are, of course, questionable, since Mary Frost Adams supposedly witnessed the situation when she was seven or eight years old, and recalled it for publication when she was seventy years old. The principles, however, fall in line with those Smith trumpeted in his presidential platform. Smith chose a course of action that illustrated his belief in mercy—providing the means through which the desperate family could be reunited—but he also affirmed his commitment to constitutionalism and property rights by providing the means for Anthony to legitimately *purchase* the slave child from his or her master. Simple and celebratory, the story lacks any moralizing by the Mormon prophet on slavery itself (for example, the fact that a horse was worth as much as a black youth), illustrating chiefly his personal compassion for a family in trouble. It just so happened that this particular family was African-American.<sup>43</sup>

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<sup>43</sup>*Young Woman’s Journal* (Salt Lake City), vol. 17, no. 12 (Dec. 1906): 538. The story has been recently portrayed on film at the Legacy Theater at Temple Square in Salt Lake City, in the motion picture, *Joseph Smith: Prophet of the Restoration*.

Joseph Smith's thoughts on ending slavery, like those of almost all his contemporaries (including most abolitionists), did not translate into a desire for full equality between the races.<sup>44</sup> Speaking of the political and social power of the South, Smith explained why he was in favor of annexing Texas (one of the major issues in 1844): "The South holds the balance of power. By annexing Texas, I can do away with this evil. As soon as Texas was annexed, I would liberate the slaves in two or three States, indemnifying their owners, and send the negroes to Texas, and from Texas to Mexico, where all colors are alike." New territory, for Joseph Smith, could serve as a "safety valve" to colonize free blacks whose problematic presence might plague the South and somehow perpetuate the "Slave Power."<sup>45</sup> Additionally, a year before he established his presidential platform, Smith recorded the view that, "Had I anything to do with the negro, I would confine them by strict law to their own species, and put them on a national equalization." While Smith eventually supported ending slavery through constitutional means, he also believed in preserving the distinction of the races through either colonization or a contemporary version of "separate but equal" practices.<sup>46</sup>

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<sup>44</sup>Even the new Republican Party could not shake off the racism that permeated its ranks after its formation in the mid-1850s. Eric Foner writes of "the racism from which no part of the...party could claim total freedom." Interestingly, as Smith does here, many in the Republican Party also argued for colonization of freed slaves, rather than absorbing them into the society. See Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1970), 267ff.

<sup>45</sup>Joseph Fielding Smith, comp., *Teachings of the Prophet Joseph Smith* (Salt Lake City: Deseret Book Company, 1976), 334.

<sup>46</sup>*Ibid.*, 270.

## JOSEPH'S BALANCING ACT

Joseph Smith held up remarkably well as a moderate anti-slavery advocate, especially considering the many divisive elements within the church he led. In addition to avoiding validating ardent abolitionist sentiments from a number of members (mentioned above), he faced a perplexing challenge when several prominent church members wrote to him in early 1844, suggesting the establishment of a Mormon colony in Texas. “Are there not thousands of the rich planters,” they wrote in one letter, “who would embrace the Gospel, and, if they had a place to plant their slaves, give all the proceeds of their yearly labor...for building up the kingdom...?” This small committee of Mormons, whom Smith had sent on a mission to gather lumber in Wisconsin for the Nauvoo temple, believed that “a concerted...reciprocity of action between the North and South would greatly advance the building up of the kingdom.” They argued that it would be better for the Southern convert who owned slaves to “take them to some slave-holding point [and] keep them in lively exercise according to his former customs and habits,” rather than “abolish[ing] slavery” and forcing the Southerner to “settle himself in a climate uncongenial to his nature and entirely derogatory to his former occupations.” Under the Texas colony plan, so they reasoned, the church could gain the yearly profits of the slave owner, also falling under church direction as to the “right application” of slave labor.<sup>47</sup>

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<sup>47</sup>Smith, *Teachings of the Prophet Joseph Smith*, 334; and Lyman Wight and George Miller, et al, to Joseph Smith, Jr., 15 Feb. 1844, in Smith, *History of the Church*, 6:259. After Joseph Smith’s martyrdom, Miller and Wight did establish in 1847 a colony in Gillespie County, Texas, but without the sanction of the church. See Andrew Jensen, *Encyclopedic History of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Deseret News Publishing Company, 1941), 870. Jensen incorrectly identifies Joseph Smith as the originator of the Texas colonization plan.

Joseph Smith received this letter on a Sunday, 10 March 1844, and it appears he may have seriously considered the committee's plan for at least a week before being distracted by more pressing matters. The committee's suggestions certainly went along with his approval of annexing Texas that "we might watch over" the slaveholders residing there. Upon receiving and reading two letters from the committee, Smith organized a "special council meeting on [the] Wight and Miller letters" for the purpose of "tak[ing] into consideration the subject matter contained in the[m]." Later that same week, Smith sent Lucien Woodworth, who had been present at the "special council meeting," on a mission to Texas, probably to further explore the feasibility of establishing a Texan colony. By that Saturday, George Miller, who had contributed to and delivered the letters, had not yet returned to Wisconsin but met with Joseph and two other brethren "in council."<sup>48</sup>

The other express purposes for the "special council" illustrates that matters more relevant to the entire church distracted Joseph from the colonization suggestion. The council was also to "take into consideration...the best policy for this people to adopt to obtain their rights from the nation and insure protection for themselves and children; and to secure a resting place in the mountains, or some uninhabited region, where we can enjoy the liberty of conscience guaranteed to us by the Constitution of our country." These certainly seemed more immediate, more looming topics of discussion than a Texan colony for slaveholders as yet uninterested in Mormonism. Just a few weeks later, Joseph Smith sent to the United States Congress a memorial proposing himself as policeman of the West, "authorized and empowered to raise a company of one hundred

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<sup>48</sup>Smith, *History of the Church*, 6:260-1, 264, 267.

thousand armed volunteers” to secure the peace of the West (and, thereby, secure the peace of his persecuted people).<sup>49</sup> He took no other course of action towards the Texas plan besides sending Lucien Woodworth to the region.

With the Texas colonization proposal, as with slavery throughout Joseph Smith’s life as leader of the Mormons, other considerations took precedence in shaping the Mormon prophet’s response. Mormonism’s missionary efforts brought people of diverse backgrounds and belief systems under one umbrella, forcing Joseph to perform a precarious—but controlled—balancing act. The official position of the church could maintain the middle ground on slavery and nothing else, or else risk dividing its membership, inviting the hostility of its opponents (whether pro- or anti-slavery), and possibly losing what little chance of self-determination the Mormons had. While voices surrounding Joseph Smith clamored for one position on slavery or another, the Mormon prophet chose the middle, seeking to preserve the sovereignty of his people, while still shifting his personal beliefs within the moderate position. John M. Bernhisel took the same non-controversial approach six years later when he lobbied in Washington for Utah Mormons’ sovereignty.

#### SLAVEHOLDING MORMONS IN THE WESTWARD MARCH

After Joseph Smith’s death, thousands of Mormons congregated at Nauvoo and then Winter Quarters, preparing to move west. Among those who headed west were a

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<sup>49</sup>Ibid., 6:261, 275-7. James Semple, senator from Illinois, presented the memorial and suggested ordinance to the Senate on 6 May 1844, and it was referred to the Committee on Foreign Relations. Joseph Smith’s death less than two months later mooted any consideration of the proposal. See *Congressional Globe*, 28<sup>th</sup> Cong., 1<sup>st</sup> sess., 575.



small group of Mississippians who had converted to Mormonism in late 1843 and early 1844 due to the missionary efforts of John Brown, a Tennessee native. Several of the Mississippi Saints brought their African-American slaves with them on the journey, or sent them ahead to prepare homes for their owners. Thus three slaves joined the vanguard company of Mormons: Green Flake, Oliver Crosby, and Hark Lay, all owned by Mississippi converts to Mormonism. One significant piece of Flake family lore places Green Flake as the driver of Brigham Young's personal wagon; thus, when Young spoke his famous words upon seeing the Salt Lake Valley: "It is enough; this is the right place; move on, driver," he may have been speaking to a black slave.<sup>50</sup>

After arriving in the Great Basin, the Mississippi Saints settled, for the most part, in the Cottonwood District, about ten miles southeast of Salt Lake City (present-day Holladay). In this area the Mississippi Saints "built a community patterned closely after the lifestyle they had known back home" in the South. The slaves they and others brought to Utah remained enslaved and continued to labor in agriculture for their owners—as many as 87 slaves may have migrated to Utah by 1850, none of whom were known to exist outside of Utah.<sup>51</sup>

Despite the presence of this relatively small, but still significant, slave population, participants in the initial Mormon government chose to ignore slavery as an issue. Mormon Apostle Willard Richards wrote to a friend in 1849 that, "Of slavery, anti-

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<sup>50</sup>William E. Parrish, "The Mississippi Saints," *The Historian* 50 (Aug. 1988): 492-500. Flake-Young connection recounted by Margaret Young in "Green Flake," *Daily Herald* (Provo, UT), 15 Feb. 2005, available online at <http://www.heraldextra.com/content/view/140071/4/>, accessed 26 Dec. 2006.

<sup>51</sup>Parrish, "Mississippi Saints," 504; Kate B. Carter, *The Story of the Negro Pioneer* (Salt Lake City: Daughters of the Utah Pioneers, 1965), 5, 8; and Bringhurst, *Saints, Slaves, and Blacks*, 224.

slavery, Wilmot provisos, etc., we, in our [provisional state] organization, have remained silent, [and] left them to the operation of common law.” He celebrated the territory’s ignoring slavery, though he was undoubtedly also aware of slavery’s practice in Utah.<sup>52</sup> What would happen, however, when Utah’s Mormon population again came into the boundaries of the United States, granted (by the federal government) control over their society, their politics, and their institutions? The subtle shifts in the official Mormon position on slavery, while always occupying the middle ground, should have raised red flags in the minds of congressmen who eventually empowered Utah legislators to determine slavery’s status in their territory. While Perrin Bliss remembered the Mormons having been antislavery, probably based on Joseph Smith’s presidential campaign, they were not always so.

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<sup>52</sup>Willard Richards to Thomas Kane, 25 Jul. 1849, in *Journal History of the Church of Jesus Christ of Latter-day Saints*, 25 Jul. 1849. For an excellent discussion of the provisional government, see Dale L. Morgan, *The State of Deseret* (Logan, UT: Utah State University Press, 1987).

## CHAPTER II

### GREAT EXPECTATIONS?: THE COMPROMISE OF 1850 AND UTAH TERRITORY'S PROSPECTS FOR AFRICAN-AMERICAN SLAVERY

*I cannot but hope that Congress will take some pains to inform themselves who & what these People are, before they are admitted to the Union. They have been driven out of Missouri & out of Illinois; - and in both cases have been, I doubt not, much wronged. But if they are a set of people calculated to incur, to this extent, the ill-will of their neighbors, is it wise by admitting them into the Union to run the risk of a civil war in their defence?*  
—Edward Everett, 1 December 1841<sup>1</sup>

*How, then, is it possible for members of Congress from different portions of the Union to understand the peculiar interests of a people so remote and isolated?*  
—Rep. Joseph McDonald of Indiana, 18 July 1850

As the Thirty-first Congress opened its first session late in 1849, President Zachary Taylor held high hopes that the politically diverse body would avoid the sectional controversy that had plagued previous Congresses. “With the view of maintaining the harmony and tranquillity [*sic*] so dear to all,” he challenged the Congress, “we should abstain from the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the public mind.”<sup>2</sup>

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<sup>1</sup>Edward Everett to Robert C. Winthrop, 1 Dec. 1849, Edward Everett Papers, Za Letter File, Beineke Rare Book and Manuscript Library, Yale University. I am indebted to Dr. Matthew Mason for providing me with this letter.

<sup>2</sup>Zachary Taylor, “Message of the President of the United States, 4 Dec. 1849,” *Appendix to the Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 3. Although the message was dated 4 December, it was not read in either chamber until 24 December, since the House took three weeks and dozens of votes before selecting a Speaker. See the *Senate Journal*, 31<sup>st</sup> Cong, 1<sup>st</sup> sess., 24 Dec. 1849, 16.

Every congressman knew that President Taylor was referring specifically to the Wilmot Proviso and the controversy over what to do regarding slavery in the territory recently acquired from Mexico (as a result of the war in which “Old Rough ‘n Ready”—Taylor himself—had played a crucial role).

The Twenty-ninth and Thirtieth Congresses had spent a great deal of time and effort debating African-American slavery’s role in the new territory—which included California and what is today Nevada, Arizona, Utah, and New Mexico—even before it belonged to the United States. In the sweltering August of 1846, David Wilmot, an exuberant young Representative from Pennsylvania, proposed an amendment to an appropriations bill for the War with Mexico stating “that, as an express and fundamental condition to the acquisition of any territory [as a result of the war]...neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted.”<sup>3</sup> The “Wilmot Proviso,” as it came to be known, invited a storm of opposition from Southern ultras and led to the emergence of three other congressional positions in response: first, a simple extension of the Missouri Compromise line—36°30’—to the Pacific Ocean; second, the granting of “popular sovereignty” or “squatter’s sovereignty,” allowing each territory formed from the Mexican Cession to decide its own slave or free status (as states already had the power to do); and third, the extension of slaveholders’ rights into all territory acquired from Mexico.<sup>4</sup>

Each proposal appealed to different interests, and congressmen aligned

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<sup>3</sup>*Congressional Globe*, 29<sup>th</sup> Cong, 1<sup>st</sup> sess., 8 Aug. 1846, 1217.

<sup>4</sup>David M. Potter, *The Impending Crisis, 1848-1861* (New York: Harper & Row, Publishers, 1976), 54-61.

themselves with one of the four camps relatively quickly. The Twenty-ninth and Thirtieth Congresses resolved nothing on the issue of slavery's expansion in the West, though they narrowly missed compromise. In July 1848, a committee led by John Middleton Clayton, a senator from Delaware, proposed a measure that would have excluded slavery from Oregon, prohibited California and New Mexico from acting on slavery, and allowed for territorial cases regarding slavery to be appealed directly to the Supreme Court from the territorial courts. The Senate approved the measure, only to have the House table it. A few weeks later, Stephen A. Douglas, not yet a popular sovereignty advocate, succeeded in attaching to a bill an amendment that extended the 36°30' line, but the House struck down the amendment just days before the end of the session. Election-year politics certainly played a large role in congressional reluctance to reach a compromise, since pro-Wilmot Proviso Northerners up for re-election did not want to appear "soft" on slavery and risk losing their constituencies' support, nor did Whigs in general want to hand the Democratic-controlled Congress a successful resolution of the sectional conflict that would strengthen incumbent Democrats' election returns.<sup>5</sup>

As a result, great issues, still unsolved, awaited the opening of the Thirty-first Congress, and President Taylor was justified in his warning to proceed "with a view of maintaining...harmony and tranquillity." Taylor urged Congress to do essentially nothing until California and New Mexico (used as a blanket name to describe the unorganized territory) formed their own governments and applied for admittance into the United States. "By awaiting *their* action," he suggested, "all causes of uneasiness may be

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<sup>5</sup>Ibid., 77.

avoided, and confidence and kind feeling preserved.”<sup>6</sup> President Taylor had his own reasons for encouraging restraint, for during the previous Congress he had thrown his support behind a proposal to create one large state out of the Mexican Cession.

“General” John Wilson from Virginia persuaded the President that the formation of one large state would solve the slavery controversy. Rather than creating any number of territories out of the Cession, which would be subject to sectional clamoring for slavery, a unification of Deseret and California could lead to one free state with better chances of admission to the Union. Wilson headed west and met with Mormon leaders in Salt Lake, who approved of the plan and appointed him “Delegate of the People of Deseret” for a proposed meeting to discuss the proposition. By the time Wilson arrived in California in late 1849, however, the Californians had already formed a provisional government and petitioned Congress for admission as a state, *without* Deseret or New Mexico on board. With his opening address to the Thirty-first Congress, Taylor hoped that his measures could still materialize before sectionalism got out of hand, not yet knowing that his plans were in process of frustration by the California legislature.<sup>7</sup>

Unfortunately for “confidence and kind feeling” in the Thirty-first Congress, on 27 December 1849—just three days after the Senate received Taylor’s message—Henry

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<sup>6</sup>*Appendix to the Congressional Globe*, 31<sup>st</sup> Cong, 1<sup>st</sup> sess., 4 Dec. 1849, 3. Emphasis added.

<sup>7</sup>See J. Keith Melville, *Conflict and Compromise: The Mormons in Mid-Nineteenth Century American Politics* (Provo, UT: Brigham Young University Publications, 1974), 60-4. Potter, *The Impending Crisis*, 91-2; Michael A. Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War* (Chapel Hill: University of North Carolina Press, 1997), 100-6; and Leland H. Creer, *Utah and the Nation* (Seattle: University of Washington Press, 1929), 80-2, each discuss similar plans of President Polk (creating one large state) and further discuss Taylor’s plans.

S. Foote presented a resolution that called upon “Congress, at this session, to establish suitable territorial governments for California, for Deseret [or Utah], and for New Mexico.” That same day, Stephen Douglas presented to the Senate Deseret’s memorial calling for statehood and its accompanying constitution.<sup>8</sup> A proverbial Pandora’s Box was thrust open once again in Congress, unleashing the same old resentments and sectional strife. The issues were not new, but it would take some new “tricks” from old senatorial “dogs” to stave off a civil war this time.

The Senate and House debated many issues leading up to the Compromise of 1850, among them proposals relating to Utah. As the Thirty-first Congress wore on, Utah’s status in the Union played second fiddle to the status of slavery in Utah—and Utah became the testing ground for the role of slavery in the West.<sup>9</sup> Ultimately, senators and representatives from either section expected of Utah what their sectional affiliation demanded. Pro-Wilmot Proviso Northerners believed Utah would be inhospitable to slavery, but refused to allow even the possibility of slavery’s extension into the territory. Southern ultras hoped that, if not immediately practical, slavery could eventually be

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<sup>8</sup>*Senate Journal*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 27 Dec. 1849, 34. Foote introduced a corresponding bill, S. 55, 31<sup>st</sup> Cong. (1849), on 16 January 1850. Mormon leaders insisted on calling their proposed settlement “Deseret,” after the word for “honeybee” recorded in the *Book of Mormon*, believing that it represented hard work or industry. As the Senate debated the status of Deseret, however, several congressmen proposed changing the name to something less out of the ordinary. They decided on “Utah,” after the Ute Indian tribe native to the region. See John M. Bernhisel to Brigham Young, 21 March 1850, LDS Church Archives, Salt Lake City, UT. Bernhisel calls the territory “Deseret” in most correspondences, but I will generally refer to the territory as Utah unless citing primary sources or writing of the Mormon perspective.

<sup>9</sup>Writing of the final votes that created the Utah Territory, historian Robert R. Russel explained, “The votes on the Utah bill were more of a test on the slavery provisions than those on the New Mexico bill, for the latter was always involved with the Texas boundary dispute.” Robert R. Russel, “What Was the Compromise of 1850?” *Journal of Southern History* 22 (Aug. 1956), 309, n. 40.

extended into the territory. Those from both sections who occupied the middle ground—striving for some compromise that would solve the sectional difficulties—saw Congress’ ability to solve the question of slavery’s extension as moot, whether based on climate or simple extension of democratic principles to the territories. All sides remained unaware of—or unwilling to admit—realities that tempered the conditions of slavery’s extension to or exclusion from Utah, especially the fact that some Mormons had already taken their slaves into the territory. This had crucial bearing on Congress’ final decision to grant Utah popular sovereignty over slavery, the outcome of which *should* have had crucial bearing on the Congressional debate over the Kansas-Nebraska Act four years later (as will be discussed in Chapter IV).

#### CONGRESSIONAL PERCEPTIONS OF UTAH AND SLAVERY

Throughout the course of their debates regarding slavery in Utah, it became apparent that Congressmen knew very little about either the region or its Mormon inhabitants. Late in the session, Representative Joseph McDonald of Indiana lamented, “Where is Deseret, and what are our means of information in relation to her?” McDonald described for his fellow congressmen just how remote the settlement was: “It is a Territory situated...almost one thousand miles from any organized government, except its own;...such are the difficulties of communication with the country that it was not until...eight months after the presidential election, that her people knew who had been chosen President.” McDonald concluded, “How, then, is it possible for members of Congress from different portions of the Union to understand the peculiar interests of a



people so remote and isolated?”<sup>10</sup> The paucity of information about secluded Utah greatly complicated the discussion of slavery’s potential expansion to the region, leading Southern ultras to focus on the rights of slaveholders rather than rumored realities of the land, while pro-Wilmot Proviso Northerners preached that the land was beyond divinely-appointed “natural limits” of slavery. Neither side was aware of slavery’s established existence in Utah, nor its potential for perpetuation.

One source of information to which Congress had access was the 1842-44 expedition records of John C. Frémont, which some Mormon leaders had considered in planning their people’s westward march.<sup>11</sup> Frémont, although not the first Caucasian to explore in and traverse Utah, was certainly the first to publish his observations of the Great Salt Lake and surrounding environs.<sup>12</sup> Reading Frémont’s report, Joseph Smith and his successors envisioned a Western kingdom where the Mormon people could grow and thrive unencumbered by the persecution and violence that had followed them almost continuously. Frémont wrote glowingly—and somewhat mythically—of the Salt Lake

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<sup>10</sup>*Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 1413. McDonald was speaking in defense of Almon Babbitt’s recognition as Delegate from Utah.

<sup>11</sup>Captain J. C. Frémont, *Report of the Exploring Expedition to the Rocky Mountains in the Year 1842, and to Oregon and North California in the Years 1843-’44* (Washington, D.C.: Gales and Seaton, Printers, 1845). Orson Hyde wrote to Joseph Smith in April 1844 that Stephen Douglas would soon send Smith an early copy of the *Report*, “a most valuable document to any one contemplating a journey to Oregon,” as Mormon leadership was then considering relocating their people in Oregon or some other western locale. Orson Hyde to Joseph Smith, 26 April 1844, in Joseph Smith, *History of the Church of Jesus Christ of Latter-day Saints*, ed. Brigham H. Roberts (Salt Lake City: Deseret Book Company, 1950), 6:375.

<sup>12</sup>Trappers and explorers knew of the Great Basin for decades prior to Frémont’s expedition, and a number of California emigrants passed through prior to the Mormons. See Thomas G. Alexander, *Utah, the Right Place*, rev. ed. (Salt Lake City: Gibbs Smith, Publisher, 1996), 52-77 passim. Frémont himself relied on information from trappers to guide him along his journey.

Valley's potential for cultivation and its richness, which was one major draw for the Mormons.<sup>13</sup> The explorer's accounts of the Bear River and Salt Lake Valley's "irrigated bottom[s] of fertile soil," would certainly prove enticing: "The bottoms are extensive; water excellent; timber sufficient; the soil good, and well adapted to the grains and grasses suited to such an elevated region." Frémont's summation that "a military post, and a civilized settlement, would be of great value here," was of no small significance.<sup>14</sup>

In addition to seeming inviting to the Mormons, these descriptions certainly could have contributed to Southern insistence that slavery not be prohibited in the territory. Short of any negative reports regarding the quality of the land, Southerners held onto any hope such accounts as Frémont's would allow for the spread of slavery into the Great Basin. Ironically, pro-slavery politicians avoided addressing descriptions of the land and climate in congressional debates, possibly because many of the other descriptions were not as glowing as Frémont's. Most speeches by Southerners focused on theoretical subjects far away from topography or climate, whether it be property rights, an imaginary compromise line, or congressional power to even legislate slavery in the territories.

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<sup>13</sup>Frémont's account of his anticipation makes for great reading, more like an adventure novel than an expeditionary report: "We were now entering a region which for us possessed a strange and extraordinary interest. We were upon the waters of the famous lake which forms a salient point among the remarkable geographical features of the country, and around which the vague and superstitious accounts of the trappers had thrown a delightful obscurity." He continues by recounting his companions' frequent nighttime conversations that filled his mind with "indefinite pictures" of the Great Salt Lake...insensibly colored [by] their romantic descriptions, which, in the pleasure of excitement, I was well disposed to believe, and half expected to realize." His anticipation came into fruition when they arrived at the Great Salt lake on 6 September 1842: "as we looked eagerly over the lake in the first emotions of excited pleasure, I am doubtful if the followers of Balboa felt more enthusiasm when, from the heights of the Andes, they saw for the first time the great Western ocean." See Frémont, *Report*, 132, 151.

<sup>14</sup>*Ibid.*, 158-60.

Politicians from both sections and parties debated without discussing the nature of the land.

Fiercely antislavery Northerners ate up reports like Frémont's because they validated the Wilmot Proviso—the territory was simply too inhospitable for slavery's practice to be feasible. Moderately antislavery Northerners appreciated reports such as Frémont's because they confirmed the difficulty in getting to the land, mooted any arguments about the inclusion of the Wilmot Proviso. Not supporting the Proviso could engender compromise and avoid further contention over Wilmot's schismatic suggestion. Truman Smith of Connecticut quoted Frémont in a Senate speech on 8 July 1850, attempting to illustrate the barrenness of the land: "The rabbit is the largest animal known in this desert....The wild sage is their only wood."<sup>15</sup> Smith also secured information regarding the climate from two Mormons, John M. Bernhisel and Erastus Snow, who both provided testimony regarding the arid land, and General John Wilson, who attested to the Mormons' success in raising crops in the challenging climate.<sup>16</sup>

Other congressmen applied reports such as Frémont's to their debates over the territory, without quoting them directly. Said Rep. James Brooks of New York (sarcastically): "O, don't waste a moment, for there is an imminent danger lest the planter may desert the rich bottom lands of the Mississippi...and rush, with his slaves, from the cotton and sugar temptations of Texas, through the desert, over the Snowy

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<sup>15</sup>Ibid., 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 1182. Smith quoted a portion of Frémont describing the areas that Native Americans inhabited—purposefully overlooking more favorable descriptions of the Salt Lake Valley in the *Report*.

<sup>16</sup>See section on Wilson above and in note 50 below; and section on Bernhisel below.

mountains, to the great Salt Lake in Utah.” When Thaddeus Stevens of Pennsylvania pressed Brooks on his logic: “If soil, climate, and Providence keep slavery out of Utah, why [do they not] keep them out of New York?” Brooks replied, “They do. When the southern son [*sic*] rages southern travelers bring to New York their body servants in considerable numbers; and as long as the climate is agreeable they tarry, but when Utah weather comes, they are off with the first frost, as fast as the locomotive can carry them.” Reemphasizing Utah’s remoteness with this logically askew response, Brooks caustically reminded Stevens that no railroad yet reached Utah to either take slaveowners (and their *domestic* slaves—note the assumed limitation) there or bring them back once they tired of the harsh climate. Brooks said nothing of material value regarding Utah’s climate in this exchange, emphasizing only the great distance from climes more favorable to civilization, let alone plantation culture.<sup>17</sup>

Impartial information about the Mormon people, their opinions on slavery, and their plans for Deseret should they be admitted into the Union, was just as scarce as firsthand knowledge of Utah’s climate and topography, with many of the available facts coming from either anti-Mormons or Mormons themselves. Prior to settling in the Great Basin, Brigham Young, *de facto* leader of the Mormons following Joseph Smith’s martyrdom, had in 1846 outlined for President Polk his plan for inhabiting the West: “[S]uffice it to say that a combination of circumstances have placed us in our present situation, on a journey which we design shall end in a location west of the Rocky Mountains, and within the basin of the Great Salt Lake or Bear river valley.” Young told Polk that he anticipated the Mormons would have to live by virtue of “hard labor” in a

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<sup>17</sup>*Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 1702-3.

land that would most likely “be coveted by no other people”; also imploring the President for a territorial government should the Mexican War bring the Mormons once again within the purview of the United States. Young also reminded the President of the five hundred volunteers who made up the “Mormon Battalion,” trekking off to California for the War with Mexico. At this early date, nearly a year before their arrival in Utah, the Mormons proclaimed themselves both friendly to the United States and willing to submit to a territorial government, provided that they choose their own leaders. They also committed themselves to settling on land that no American in their right mind, Northern or Southern, would “covet.”<sup>18</sup>

After the settlement at the Great Salt Lake was established, the Mormon leadership sent an “epistle” to members of the church worldwide, describing the state of affairs in the Great Salt Lake Valley. These leaders painted a bleak, if hopeful, picture of agriculture in their beloved Deseret: “Most of [the] early crops were destroyed, in the month of May [1848], by crickets and frost, which continued occasionally until June; while the latter harvest was injured by drought and frost...and by the out-breaking of herds of cattle.” Leaders blamed inefficient planning for these losses, and remained confident that “the experiment of last year is sufficient to prove that valuable crops may be raised in this valley by an attentive and judicious management.”<sup>19</sup> Copies of this report were published in eastern newspapers like the *New York Herald*, as well as overseas in the Mormon-operated *Millennial Star*.

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<sup>18</sup>Brigham Young to James K. Polk, 9 Aug. 1846, in James R. Clark, ed., *Messages of the First Presidency of the Church of Jesus Christ of Latter-day Saints*, vol. 1 (Salt Lake City: Bookcraft, Inc., 1965): 299-302.

<sup>19</sup>Clark, *Messages of the First Presidency*, 1:351.

In addition to these accounts from the Mormon perspective, a few contemporary observers (generally on their way to the California gold fields in 1849) corresponded with eastern newspapers about the Mormons and conditions in Deseret.<sup>20</sup> One such account was printed in the *New York Tribune* less than two months before the Thirty-first Congress opened. A *Tribune* correspondent headed for California wrote of his party's arrival in Salt Lake City:

At the first sight of all these signs of cultivation in the wilderness we were transported into wonder and pleasure....all felt unexpressedly happy to find themselves once more amid scenes which mark the progress of advancing civilization. We passed on...expecting every moment to come to some commercial center, some business point in the great metropolis of the mountains, but we were disappointed. No hotel, sign post, cake and beer shop, barber pole, market house, grocery, provision, dry goods or hardware store distinguished one part of the town from the other; not even a bakery or mechanic's sign was anywhere discernable....There were no hotels because there had been no travel, no barber shops, because everyone chose to shave himself, and no one had time to shave his neighbor; no store because they had no goods to sell nor time to traffic; no center of business because all were too busy to make a center....Beside their several trades, all must cultivate the land or die, for the country was new, and no cultivation but their own within a thousand miles. Everyone had his own lot and built on it; every one cultivated it, and perhaps a small farm in the distance.<sup>21</sup>

While pro-Wilmot Proviso Northerners could see “free labor” ideology in action among

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<sup>20</sup>While lobbying for Mormon interests in early 1850, John M. Bernhisel noted that “[last] Autumn, quite a number of letters went the rounds of the newspapers, dated at Great Salt Lake City, and written by California immigrants, containing flattering descriptions of our city and valley....These letters have removed mountains of prejudice. Some now believe us to have been misrepresented and grossly slandered....Others regard us as the most interesting and extraordinary people in the world.” Several months later, Bernhisel “entreat[ed] and implore[d]” his friends in Utah to “continue to treat the California immigrants and others with the same kindness and hospitality with which you...treated them last year. The many flattering letters they wrote to their friends, and the press[,] exerted a most salutary influence on the public mind.” Bernhisel to Brigham Young, 21 Mar. 1850, John M. Bernhisel Papers, LDS Church Archives (LDSCA), Salt Lake City, UT; and Bernhisel to Young, 24 May 1850, in *Journal History of the Church of Jesus Christ of Latter-day Saints*, 24 May 1850.

<sup>21</sup>*New York Tribune*, 8 Oct. 1849.

the Mormons in such reports, Southern ultras could also be drawn to the emphasis of agriculture over industry.<sup>22</sup> Having “no center of business” presented problems for slave owners needing a market for their staple crops, but it also meant that Northern financial influence remained at a minimum. At any rate, any side could see the potential for friendship in the Mormons, and debated for control of slavery in Utah based on their different ideas about what the Salt Lake Valley should—or could—hold in store for their interests.

There is no way of knowing who among the senators and representatives read which accounts (although general information about Utah’s climate does come through in some of the debates),<sup>23</sup> so their influence on congressional opinion can be considered questionable at best. A great number *were* present, however, when Joseph Underwood of Kentucky introduced a memorial from William Smith and Isaac Sheen in the Senate, who

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<sup>22</sup>The classic treatment of the impact of free labor ideology on antebellum politics is Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1970). Foner’s new edition (1995) includes an excellent introductory essay on the development of free labor ideology in the nineteenth century. While Foner successfully illustrates that “free labor” had a number of connotations to contemporaries, I use it here to refer to the idea that individuals and families in a society where labor was championed as a virtue could improve the land and thus their station in life, glorifying God and community in the process. These ideas permeate contemporary Mormon sermons throughout much of the mid- and late-nineteenth century.

<sup>23</sup>Rep. Joseph Brooks of New York, for example, spoke as if he had reliable knowledge of Utah agriculture: “The negro can no more work for his master, and prosper in Utah, than in Canada or in Maine. It is a soil that demands irrigation; the farms are, and are intended to be, small....in the elevated regions of Utah, the frost kills the cotton in September, as it does in Canada or Maine.” *Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 1703. He may have read the First Presidency Epistle cited above, relied on information that Truman Smith quoted in his 8 Jul. speech, or acquired the information somewhere else. Other reports of Utah government circulated, one of which (from the *St. Louis Union*) Smith quoted: “The general assembly [of Deseret] had been in session, and had created several new counties, established courts, sheriffalities [*sic*], &c.; also, a State University.” *Appendix to the Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 1186.

proclaimed themselves the legitimate leaders of Mormonism and labeled the Deseret Mormons traitors to the United States. Smith was a brother of the martyred Prophet Joseph Smith, and he and Sheen dismissed the Deseret Mormons as heretics, practicing all sorts of rebellious and seditious acts.<sup>24</sup> This statement came on December 31, just four days after Stephen Douglas submitted to the Senate Deseret's memorial for admission into the Union. Immediately upon hearing Smith and Sheen's accusations, Douglas offered his own opinion of the Mormons, recounting an interview with Almon Babbitt, the official Mormon delegate then in Washington. He basically found the Mormons favorable, and the Smith and Sheen memorial completely in opposition to what he understood from Babbitt as the Mormon attitude towards the Federal government.<sup>25</sup>

The unfavorable attitude toward the Mormons aroused by Smith and Sheen's accusations did not die easily, however, resurfacing with additional petitions from the pair and others. John M. Bernhisel, who was also lobbying for Mormon interests in Washington at the time, reported to Brigham Young that he had to "work...diligently to combat the charges," but that he "quite effectively eliminated much of the hostility the Smith petition had engendered among Washington dignitaries." Bernhisel met on several occasions with Senator Underwood to try and repair the damage done by Smith and

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<sup>24</sup>Smith and Sheen alleged that 1500 Mormons had taken an oath in the Nauvoo Temple as follows: "You do solemnly swear in the presence of Almighty God, his holy angels, and these witnesses, that you will avenge the blood of Joseph Smith on this nation, and teach your children; and that you will from this time henceforth and forever begin and carry out hostilities against this nation and to keep the same intent a profound secret now and forever. So help you God." Smith and Sheen also accused the Mormons of practicing polygamy and female slavery (they do not clarify what "female slavery" means, as opposed to polygamy), as well as attempting to unite church and state by imposing duties on all goods passing through Salt Lake City. See *Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 92.

<sup>25</sup>Ibid.



Sheen, and spent a good deal of time answering the accusations levied against his people. “Since then,” he wrote to Brigham Young, “[Underwood] has been quite courteous and friendly.” Overall, Bernhisel wrote, “[t]hese proceedings...were ugly things to face in the midst of the collected wisdom of the nation.” His experience in changing Underwood’s point of view, however, served as a representative “specimen with some variations of conversations [Bernhisel] had with other members [of Congress] on this unpleasant subject.”<sup>26</sup>

Bernhisel and Almon Babbitt spent a good deal of their time trying to make Deseret seem as appealing as possible to congressmen and other influential Washingtonians. Their political views differed greatly, however: Bernhisel, traditionally a Whig, wanted to use forbearance and patience in his lobbying, while Babbitt had committed himself to gaining statehood for Deseret, avoiding any “neutral ground in politics.” According to one historian, Babbitt publicly painted the Mormons as “ultra-pro-slavery” and portrayed himself as a “pro-slavery man”—however, representatives dismissed Babbitt’s pro-slavery claims late in the session as “riding a little on both sides” (since they believed the general “character of the [Mormon] people” to be in opposition

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<sup>26</sup>Bernhisel to Brigham Young, 21 Mar. 1850, Bernhisel Papers, LDSCA. See also Melville, *Conflict and Compromise*, 74, especially n. 72. Melville points out that Smith and Sheen may have damaged their own cause by sending too many petitions against the Utah Mormons, which they did over the course of several months. Additionally, “a significant break,” as Melville calls it, “came in the spring of 1850, when Isaac Sheen wrote letters to Representative Stanton and Senator Underwood repudiating William Smith and withdrew his accusations against the Mormons.” Smith and Sheen’s own infighting may have contributed a great deal to Bernhisel’s efforts. See *Journal History of the Church of Jesus Christ of Latter-day Saints*, 26 Jun. 1850, for a copy of Sheen’s printed statement against Smith. Another petition from citizens of Shelbourne, Illinois, was presented to the House by John Wentworth on 22 Feb., also accusing the Mormons of treasonous sentiments, which is found in *Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 413.

to slavery). Rep. James Brooks of New York believed Babbitt fabricated a figure of 400 slaves then residing in Utah in order to secure a seat in the House; Southern ultras had earlier refused a New Mexico delegate his seat when he reported that no African-American slaves resided in that territory, so Babbitt was trying to avoid the same fate as his New Mexican counterpart.<sup>27</sup> Just as the House dismissed Babbitt's reports of slavery in Utah, historians rightly dismiss him as ineffective in lobbying for Mormon interests, at the same time celebrating Bernhisel's efforts.<sup>28</sup> More of Bernhisel's politicking will be discussed below.

The few and disharmonious sources of information regarding the Great Basin and its Mormon inhabitants contributed significantly to political tensions during the Thirty-first Congress. The land was rough, but had potential for the cultivation of some staple crops. The Mormons were peculiar, to be true, and seemed intent on perpetuating a free-labor society, but they also did not appear to have aligned themselves with any particular party or sectional interest. Really, little information had found its way east to Washington. What few conflicting opinions existed led many congressmen to be cautious when considering what to do with Utah. When John Bell of Tennessee introduced his compromise proposal on February 28, 1850, he expressed his wariness over granting Utah too much power without reliable information: "It may be proper that [the Mormons] should be admitted [as a state]; But till we know more of their policy,

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<sup>27</sup>*Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 1702-3. This came out in the House on 29 Aug. 1850; no representative mentioned the rumored presence of slaves during the remaining debates prior to the vote on the Utah bill on 7 Sept. 1850.

<sup>28</sup>See Gwynn W. Barrett, "John M. Bernhisel: Mormon Elder in Congress" (Ph.D. dissertation, Brigham Young University, 1968), 74; Melville, *Conflict and Compromise*, 66-7; Newell G. Bringhurst, *Saints, Slaves, and Blacks: The Changing Place of Black People Within Mormonism* (Westport, CT: Greenwood Press, 1981), 65-7.

designs, and institutions—I speak not exclusively of religious institutions—I should think that no Senator would be disposed to do more for them than to extend to them [merely] an adequate protection,” as a territory.<sup>29</sup> Edward Everett’s December 1849 letter to Robert B. Winthrop, excerpted at the beginning of this chapter, also expresses this sentiment.

### CLAY’S COMPROMISE

Wariness over Deseret’s Mormon population did not prevent all congressmen from attempting to act in relation to the potential territory, even rather quickly. Henry S. Foote of Mississippi waited less than three weeks after his initial proposal to the Senate (calling for action towards forming territorial governments for California, New Mexico, and Deseret) to move forward on the territorial question. On January 16<sup>th</sup> he introduced a bill to create the three territorial governments, as well as form a new state, Jacinto, from part of Texas. He billed his measures as “a new scheme of compromise”—each one silent on the question of slavery—however, the Senate voted to table his motion to send the bill to the judiciary committee, and the bill remained effectively tabled throughout the session while other compromise measures took its place.<sup>30</sup>

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<sup>29</sup>*Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 438.

<sup>30</sup>Foote’s bill was labeled S. 55 and can be found in copies of the Senate’s *Bills and Memorials* for the Thirty-first Congress. A copy of this bill is dated 31 Dec. 1849 and attached to the end of the previous bill, S. 54, in *Bills and Memorials*, but this date appears to be simply a typo. Foote’s introduction of the bill is found in *Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 166-8. The bill was virtually ignored throughout the remainder of the session. Foote’s resolution that Congress deal with the issues of territorial governments was taken up for consideration again on 22 Jan. 1850 only to be tabled; again on 25 Feb. 1850, when it was amended, and tabled once again. See *Senate Journal*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 177. While the resolution had quite a history in itself, his bill was overshadowed by Clay’s proposals and the eventual Omnibus bill drafted by the

Henry Clay of Kentucky, long an architect of compromise in the Senate, designed the most significant of these alternatives proposals. On 29 January 1850 he proposed yet another series of measures designed to calm the rising storm. Clay's Compromise dealt with five major areas of conflict that had plagued the previous two Congresses, spread into eight core provisions:

1. California should be admitted as a state without restriction or establishment of slavery (it would most likely be free, since slavery had been prohibited under Mexican law).
2. All other territory acquired from Mexico would be organized without restriction or establishment of slavery.
3. Texas would relinquish its claim to New Mexican lands.
4. The federal government would assume Texas debt contracted prior to annexation.
5. Slavery would be allowed to continue in the District of Columbia.
6. The slave trade would be abolished in the District of Columbia.
7. Congress would have no power to restrict or regulate the slave trade in the states.
8. The fugitive slave law would be tightened.<sup>31</sup>

Clay's measures provided specific topics which the Senate could debate, focusing the dialogue on key areas of opposition. The second proposal in the Compromise measures dealt directly with Utah and provided a good deal of fodder for debate. Opposing views coalesced around two emerging approaches to dealing with slavery: "natural limits" and "popular sovereignty." The concept of natural limits seemed straightforward: according to the prevalent Northern view, slavery was confined to the South by climate,

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Committee of Thirteen, discussed below. Senator Truman Smith told John M. Bernhisel in an interview that "there were so many ambitious men who wanted the credit of settling the territorial and slavery question[s], that all the plans first proposed would be objected to." Bernhisel to Young, 27 Mar. 1850, in *Journal History of the Church of Jesus Christ of Latter-day Saints*, 27 Mar. 1850.

<sup>31</sup>See John C. Waugh, *On the Brink of Civil War: The Compromise of 1850 and How it Changed the Course of American History* (Wilmington, DE: Scholarly Resources Inc., 2003), ch. 5, for an excellent narrative regarding Clay's proposals. The compromise proposals themselves are found in *Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 246-7.

topography, economics, and—most of all—the will of Deity. Slavery could simply not exist where God had created physical circumstances that inhibited plantation culture, and specifically the cultivation of the cash crops of tobacco and cotton. The arid Midwest and Stephen Long’s “Great American Desert” of the far West could not support these crops and were thus better suited, some Northerners thought, to the individualistic labor of the Jeffersonian yeoman farmer.<sup>32</sup>

Henry Clay viewed natural limits as one of the chief justifications for his second compromise measure, providing that territorial governments be established in the Mexican Cession. As he introduced his compromise measures on 26 January 1850, Clay declared his conviction that slavery did not exist by law in the territory acquired from Mexico, nor was it likely that slavery would be introduced. This second part he based on California’s exclusion of slavery from its constitution, since California’s territory included “that country into which it would have been most likely that slavery should have been introduced.” Clay testified to his fellow senators, “I do believe that not within one foot of the territory acquired by us from Mexico will slavery ever be planted, and I believe it could not be done even by the force and power of public authority.”<sup>33</sup>

Daniel Webster also championed natural limits in his now-famous “Seventh of

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<sup>32</sup>See Foner, *Free Soil, Free Labor, Free Men*, ch. 1. Although Foner focuses on the Republican Party’s development in the mid to late-1850s, much of his discussion is relevant to this earlier time. Morrison, *Slavery and the American West*, 109-12, 115-8, explores the preponderance of free-soil ideology and Southern slaveholders’ opposition in these earlier debates. On Stephen Long, see James A. Henretta, David Brody, and Lynn Dumenil, *America: A Concise History*, 3<sup>rd</sup> ed. (Boston: Bedford/St. Martin’s, 2006), 479. Major Stephen H. Long explored the Great Plains in 1820, calling the West “almost wholly unfit for cultivation, and of course uninhabitable by a people depending upon agriculture for their subsistence.” Mapmakers labeled the region “Great American Desert,” which perception of the area persisted for many years.

<sup>33</sup>*Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 245.

March” speech. Webster argued that slavery was “excluded [from the Mexican Cession] by a law even superior to that which admits and sanctions it in Texas—I mean the law of nature—of physical geography—the law of the formation of the earth.” In Webster’s estimation, slavery could not exist (and thus did not exist) in California or New Mexico (here, again, including Utah). Webster delimited what kind of slavery to which he was referring: “I mean slavery as we regard it: slaves in gross, of the colored race, transferable by sale and delivery, like other property.” He denied again that slave society on any scale did exist, or *could* exist, in the arid West: “African slavery, as we see it among us, is as utterly impossible to find itself, or to be found in Mexico, as any other natural impossibility.” Citing reports of the barrenness of the land, he asked the question, “What is there in New Mexico that could possibly induce anybody to go there with slaves?” The “fixed and decided character” of the land precluded the practice of slavery, despite any southern inclination to the contrary.<sup>34</sup> While Webster intended his comments primarily to defuse any Northern insistence on the Wilmot Proviso’s inclusion, they are also telling as a representation of one Northern view of slavery’s practice as purely economically-driven, which certainly did not hold true for Utah’s practice of slavery.

Lewis Cass, a senator from Michigan, had introduced popular sovereignty during the Wilmot Proviso debates in 1847. In his “Nicholson Letter” penned that December, Cass championed the ability of territories to regulate slavery, although he failed to clarify whether that meant during the initial territorial phase or only when applying for statehood. Aimed at unifying diverse elements within the Democratic Party, Cass hoped that Northerners insistent on preventing slavery’s advance would join with Southern

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<sup>34</sup>*Appendix to the Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 274.

ultras intent on protecting slavery throughout the Mexican Cession, each conceding that democracy should reign no matter what the outcome. Yet Cass failed to outline some basic details, leading one historian to label Cass' popular sovereignty as a "proposal possessing all the charms of ambiguity."<sup>35</sup> Popular sovereignty was neither pro-slavery nor pro-abolition as Cass saw it; it was originally only pro-democracy.

During the Thirty-first Congress Cass reintroduced popular sovereignty in a speech delivered a few days before Clay presented his compromise measures, reemphasizing popular sovereignty's validity as a constitutional doctrine and clarifying his belief that territories should, indeed, legislate slavery on their own. The controversy over slavery in the territories was part of a larger controversy in Clay's estimation: the power of the federal government to regulate life, society, and economy in the territories. "There is no clause in the Constitution which gives to Congress express power to pass any law respecting slavery in the Territories," he argued. The powers of Congress that had historically been used as justification for congressional regulation of slavery in the territories (played out in the Northwest Ordinance and Missouri Compromise), while "[d]erivative in their nature, they are limited in their exercise." In other words, the powers of Congress to regulate the affairs of territories "cannot go beyond the legitimate object which is sought to be attained." Cass cited this proposed method of measurement: "If the necessity for social order in the Territories...is the true foundation of the right of Congress to legislate over them, it is a right which extends no further than may be necessary and proper to fulfill this first duty of society." Cass feared that Congress was "violat[ing] a fundamental principle of freedom, the unalienable connection between

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<sup>35</sup>Potter, *The Impending Crisis*, 57-8.

representation and internal legislation.” This, for Cass, was the basic tenet of popular sovereignty, and “the very cardinal doctrine of American freedom”: the people, whether in a state, a nation, or a territory, should be able to “conduct their own concerns in their own way.” Thus, applied to the specific issue of slavery, while only states had been previously granted the power to decide on slavery’s status within their borders, Cass argued that territories also had that right, during the territorial phase of their relationship to the Union, by virtue of fundamental constitutional principles.<sup>36</sup>

This served as the other basic principle behind Henry Clay’s compromise regarding slavery in the territories—but, when joined with Clay’s insistence on natural limits, Clay initially adopted popular sovereignty to court moderate and even anti-slavery Northerners. For, even if slavery were not specifically prohibited in the West, the natural limits-driven assumption remained that slavery could not be practiced. Clay’s and Webster’s rhetoric was designed to remove the Wilmot Proviso as a topic of debate, though they held out little hope for the perpetuation of slavery. It is incredibly ironic, then, that those who voted for a territorial government in Utah without restriction or establishment of slavery were overwhelmingly Southern.<sup>37</sup>

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<sup>36</sup>*Appendix to the Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 59. Morrison, *Slavery and the American West*, 122, writes that, “At bottom, popular sovereignty rested on a historic, enduring, and deeply held belief in the capacity of the American people not only to govern themselves but to do what was right.” See also James L. Huston, *Calculating the Value of the Union: Slavery, Property Rights, and the Economic Origins of the Civil War* (Chapel Hill: University of North Carolina Press, 2003), ch. 5, for a thorough treatment of the constitutionality of slavery’s expansion to the territories.

<sup>37</sup>Pro-slavery Southerners certainly did not need encouragement from Webster or Clay to hang onto expansion as an option. Rep. Albert G. Brown of Mississippi expressed the willingness to accept any alternative to the insistence on natural limits or the Wilmot Proviso, whether “by non-intervention, by non-action, or by any other means;” all the South wanted was “an equal participation in the enjoyment of all the common property” acquired from Mexico. Brown found abandonment of insistence on



## JOHN M. BERNHISEL'S STRATEGIC SILENCE

That *all* Southerners did not vote in favor of forming the Utah Territory, even without explicit protection of slavery, is also ironic, since slavery had existed in the territory ever since the first company of Mormons arrived in 1847, as detailed in Chapter I. One man in Washington who knew there were slaves in Deseret was John M. Bernhisel, who had been sent by Mormon leaders to lobby for statehood.<sup>38</sup> Bernhisel became a Mormon sometime in the late 1830s, well after he had already established a medical practice in New York City. He “gathered” to Nauvoo, Illinois, the Mormon headquarters, in 1843, and soon became the “personal attache....an intimate associate, confidant, and trusted advisor” of Joseph Smith, the Mormon prophet.<sup>39</sup> After the martyrdom of Joseph Smith and the first company of Mormons left Nauvoo to head west, Mormon leaders assigned Bernhisel to remain behind and dispose of church and personal property for the Saints, also aiding the thousands of remaining Mormons in preparing for

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the Proviso, clothed in the idea that it was not necessary because of natural limits, to be especially repugnant because Northerners clung to the principles behind the Proviso. “Wonderful liberality! Amazing generosity to the South!” Brown sarcastically exclaimed. *Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 1703-4.

<sup>38</sup>Bernhisel was actually sent with two memorials for Congress, one asking for statehood, and the other for territorial status. On the advice of Thomas Kane, a friend of the Mormons, Bernhisel asked for statehood specifically (with the intention of preserving Mormon control over their institutions and society). Stephen Douglas, whom Bernhisel persuaded to introduce the memorial into the Senate, also encouraged Bernhisel to ask for statehood, but with the concession of submission to whatever the Congress may wish. See Melville, *Conflict and Compromise*, 65, 70. It is apparent that Bernhisel knew of slavery's practice in Utah, because in a 3 Jul. 1850 letter to Brigham Young, he begged the Mormon leader to avoid listing any African-American residents of Utah as slaves. See *Journal History of the Church of Jesus Christ of Latter-day Saints*, 3 Jul. 1850. Other correspondence between Bernhisel and Mormon leaders also supports this idea, as detailed below.

<sup>39</sup>Barrett, “John M. Bernhisel,” 29-31.

departure. Bernhisel arrived in Salt Lake City with Heber C. Kimball's company of Mormon pioneers in September 1848, and participated in the formation of a provisional government for "Deseret" that winter.<sup>40</sup>

On 1 May 1849, the First Presidency (the top three leaders of the Mormon church) appointed Bernhisel to carry the petition to Congress for a charter for territorial government. Having lived much of his life in the east, having been well-educated, having been intimately associated with Joseph Smith and other prominent Mormon leaders, and also having experienced many of the Mormons' hardships firsthand, Bernhisel seemed as able a candidate as any. Bernhisel later served as Utah's delegate to Congress, from 1851 to 1859 and again from 1861 to 1863. On this first lobbying trip, however, his main focus was to gain statehood for Deseret (see note 38, above).

Upon arriving in the east, Bernhisel was introduced to Colonel Thomas Kane, who had long been a friend of the Mormons (and for whom several Mormons settlements and a Utah county would later be named). As they discussed Bernhisel's lobbying strategy, Kane strongly encouraged him to avoid committing to any party (although Bernhisel was a Whig politically), but "pursue a neutral course in party conflicts."<sup>41</sup> This Bernhisel proceeded to do, perceiving quickly that slavery would again be one of the central dividing issues in Congress: "The great and grave question of slavery which now agitates the country...will never be settled....It has been the standing topic of discussion in both wings of the Capitol since the commencement of the session, and is likely to be

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<sup>40</sup>Ibid., 40, 64-5.

<sup>41</sup>Melville, *Conflict and Compromise*, 65-6.

during the remainder of it.”<sup>42</sup> Personally, Bernhisel did not entertain pro-slavery sentiments: on at least one occasion he wrote negatively of slaveholders’ demands for land that they regarded as “justly belonging to” what Bernhisel identified as “the dark spirit of slavery.”<sup>43</sup> Nonetheless, Bernhisel chose to make neutrality his policy as he met with numerous officials and congressmen in Washington.<sup>44</sup>

One of the influential men with whom Bernhisel met on several occasions was Daniel Webster, who championed natural limits in his “Seventh of March” speech. Bernhisel served to be an influential source of information about the Deseret Mormons for Webster. Bernhisel wrote to Brigham Young of one meeting between the lobbyist and Daniel Webster: “[Webster] was very desirous of obtaining information in regard to the whole of Deseret, intimating that there was scarcely anything known here respecting it, and after making a number of minute inquiries, he requested me to write him a letter, communicating the information he desired, and he would publish it.”<sup>45</sup> Melville assigns no small significance to Bernhisel’s meetings with Webster, writing that “Bernhisel had the opportunity to inform him about the country, the climate, the customs of the people, and so on, which undoubtedly contributed to the position that Webster took” in his

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<sup>42</sup>John M. Bernhisel to Brigham Young, 21 Mar. 1850, Bernhisel Papers, LDSA.

<sup>43</sup>Bernhisel to Brigham Young, 7 Sept. 1850, in *Journal History of the Church of Jesus Christ of Latter-day Saints*, 7 Sept. 1850.

<sup>44</sup>Other Mormons seemed to feel the same way. Consider Willard Richards’ letter to Thomas Kane, mentioned at the end of chapter one, in which he said that, “Of slavery, anti-slavery, Wilmot provisos, etc., we, in our [provisional state] organization, have remained silent, [and] left them to the operation of common law.” Willard Richards to Thomas Kane, 25 Jul. 1849, in *Journal History of the Church of Jesus Christ of Latter-day Saints*, 25 Jul. 1849.

<sup>45</sup>Bernhisel to Brigham Young, 21 Mar. 1850, Bernhisel Papers, LDSA.

famous speech on the Seventh of March. Melville does not extend the thought to its logical conclusion, that Bernhisel purposefully withheld the truth about slavery's presence in Utah from as forceful a natural limits advocate as Webster.<sup>46</sup>

Bernhisel exerted influence on other politicians, as well. The great compromiser, Henry Clay, appears to be one of the first senators with whom Bernhisel met upon his arrival in Washington, for Bernhisel lists him first among the influential people he interviewed. Indeed, Clay cites several sources of information as shaping his thoughts on the likelihood of slavery's natural exclusion:

Slavery is not likely to be introduced into any portion of that territory. That is a matter of fact; and all the evidence upon which the fact rests is perhaps as accessible to other Senators as it is to me; but I must say that from all I have heard or read, *from the testimony of all the witnesses I have seen and conversed with*, from all that has transpired and is transpiring, I do believe that not within one foot of the territory acquired by us from Mexico will slavery ever be planted, and I believe it could not be done even by the force and power of public authority.<sup>47</sup>

Among "all the witnesses" that had convinced Henry Clay of his position was John M. Bernhisel, who met with the aged senator in late 1849 or early 1850 and found him willing to aid the Mormons in their quest for self-government. "After making a number of inquiries relative to the Salt Lake Valley and the adjacent region," Bernhisel wrote to Brigham Young, "[Clay] observed that he thought that we should have to be content with

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<sup>46</sup>Melville, *Conflict and Compromise*, 76, 80. If Webster, Clay, or any other politician striving to orchestrate a compromise, had knowledge of slavery in Utah, that may not have prevented them from hiding it in order to preserve the possibility of sectional reconciliation. Bernhisel wrote to Brigham Young of "so many ambitious men who wanted the credit of settling the territorial and slavery question[s]"; perhaps their ambition precluded the use of some knowledge, or at least rumors, of slavery in Utah. Bernhisel to Young, 27 Mar. 1850, in *Journal History of the Church of Jesus Christ of Latter-day Saints*, 27 Mar. 1850. If any politician *did* have knowledge of slaves in Utah, it did not come from Bernhisel, however.

<sup>47</sup>*Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 245. Emphasis added.

a territorial government for a while, and added, that he had no prejudices which would prevent him from doing us justice, or doing anything for our welfare and happiness.”<sup>48</sup>

Any admission by Bernhisel that Utah residents practiced slavery would have had quite the deleterious effect on Clay’s opinion of the Mormons.

Bernhisel also withheld the reality of slavery’s existence in Utah from the other congressmen he visited, among them John C. Calhoun, Lewis Cass, Stephen Douglas, Thomas Benton, Henry Clay, and Salmon P. Chase. Bernhisel faced a tough interview with William H. Seward, an avid abolitionist, who “asked whether we had not some slaves in the [Salt Lake] Valley, [and] said that he had understood that we had.” Bernhisel did not record his reply to Seward, but it must have been noncommittal and diversionary, following Bernhisel’s policy of neutrality. Though Bernhisel recorded that Seward “was very tender on the subject,” Seward never mentioned Utah’s slave ownership in any of his speeches, though the example would have served to substantiate his assertion that “It is the indolence of mankind, in any climate, and not the natural necessity, that introduces slavery.”<sup>49</sup>

In fact, Seward was not the only congressman to bluntly accuse the Mormons of slave ownership. Senator Truman Smith of Connecticut, with whom Bernhisel met on several occasions and eventually became quite intimate, asked Bernhisel in one interview “whether [the Mormons] had any slaves in the valley.” Bernhisel wrote to Brigham Young that Smith “said he had been told we had, and he did not know but it might be so as we were silent on the subject in our constitution.” Where Seward and Smith got their

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<sup>48</sup>Bernhisel to Brigham Young, 21 Mar. 1850, Bernhisel Papers, LDSCA.

<sup>49</sup>Ibid., and *Appendix to the Congressional Globe*, 31<sup>st</sup> Cong, 1<sup>st</sup> sess., 266.

information about the actuality of slavery's practice in Utah remains unclear; at any rate, Bernhisel's answer to Senator Smith must have been diversionary once again, for Smith never mentioned Utah's practice of slavery in any other forum. He did, however, later press Bernhisel to answer a list of questions regarding the potential for the slave culture's perpetuation in Utah. Bernhisel answered each question and provided Brigham Young with a copy of the letter he forwarded to Smith. Several of the points illustrate Bernhisel's careful construction of information:

6<sup>th</sup> [question]. To what agricultural products is [Utah] best adapted?

Ans. Wheat, rye, barley, buckwheat, oats and corn, and all kinds of vegetables are produced to great perfection.

7<sup>th</sup> Will the country produce rice, cotton, sugar, tobacco, or sweet potatoes?

Ans. Not all of them, but the two latter may be raised in limited quantities.

8<sup>th</sup> Would rice, cotton, sugar, or tobacco be of any value at the Salt Lake, except for the consumption of the inhabitants?

Ans. We think not.

9<sup>th</sup> What is the cost of transportation from Great Salt Lake City to the navigable waters of the Missouri River?

Ans. About ten dollars per hundred [weight?].

10<sup>th</sup> Is Deseret likely to become the theatre of slave labor, or can [it] ever be, unless in the limited extent it formerly existed in New England?

Ans. Slave labor can never, in our opinion, be profitably employed in Deseret, so far as it has been explored.<sup>50</sup>

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<sup>50</sup>Bernhisel to Truman Smith, 5 Feb. 1850, in Bernhisel to Brigham Young, 21 Mar. 1850, Bernhisel Papers, LDSCA. This paragraphing is not included in the original, but has been imposed for clarity. Smith shared Bernhisel's letter (or a version dated 18 Jun. 1850) with the Senate on 8 Jul. 1850, with some notable changes—in the rendering Smith quoted, the cost of transporting goods was \$12.50 per hundred (not \$10.00 as Bernhisel tells Brigham Young), and Bernhisel says regarding slavery, “In *my* judgment, there is no part of Deseret, so far as it has been explored, in which slave labor can be profitably employed,” (the version Bernhisel sent to Brigham Young said “In *our* judgment”); other differences in detail abound. Several explanations may account for these differences. Either Bernhisel changed the information he gave Brigham Young, he wrote it incorrectly from memory, or Smith exaggerated it to support his cause. Dating the letter over four months after Bernhisel originally wrote it would make it appear that the information was new and current, allowing Smith to delay presenting the information while he collected other reports of the Salt Lake Valley for his 8 Jul. speech. Smith's

While Bernhisel recognized his own limited knowledge of his territory's potential in perpetuating a plantation culture, he also dodged the last question on the potential for slavery's *limited* practice by reducing it to a question over profitability. Those slaves who were contemporarily living and laboring in Utah did so within the limits of the agricultural products Bernhisel enumerated for Senator Smith. Additionally, while slave owners may have never turned a profit on their slaves' labor, that also may not have been their initial intention in keeping their slaves in Utah. As much a cultural practice as an economic institution among slaveholders, slavery in early Utah could only contribute to the survival of the society, even if marginally. Bernhisel thus made the same mistake as—or, at least, took his cue from—those congressmen who believed that slavery would exist only where its extracted labor could produce cotton, rice, tobacco, or other high-profit cash crops. He wrote to Brigham Young that “[It is t]he opinion of... perhaps of all the leading men in the free and all the moderate men in the slave holding states, that slavery does not, and cannot exist, in the territories without the sanction of positive law yet to be passed.” Those who entertained the opposite position—that there were no natural limits to the practice of slavery—were confined, in Bernhisel's estimation, to “none, but the ultra fanatics of the South.”<sup>51</sup>

Bernhisel continued to lobby for what he saw as the best interests of the Mormons, whether by debunking the myths spawned by William Smith and Isaac

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query originated out of a report he had received from John Wilson regarding the Salt Lake Mormons, in which Wilson wrote, “it is incredible how much they have done here in the wilderness in so short a time....Their prospects for crops are fair, and there is a spirit and energy in all that you see that cannot be equaled in any city of any size.” Quoted in *Deseret News*, 15 Jun. 1850.

<sup>51</sup>Bernhisel to Brigham Young, 21 Mar. 1850, Bernhisel Papers, LDSA.

Sheen's memorials or teaching congressmen about Utah's climate and culture, all the while dancing around the issue of slavery. As he worked for Mormon interests and for Utah statehood, he wrote to Brigham Young, "I made it a *point*...since my arrival in Washington, *not* to make *slavery* nor politics a *point*." For, he told the Mormon leader upon the passage of the Utah bill, "Had it been believed that slavery existed or would ever be tolerated [in Utah], our bill never would have passed the House."<sup>52</sup> Bernhisel even "beg[ged] leave respectfully to suggest" to Brigham Young "that no person of African descent be reported as a slave" in the 1850 Utah census that Young had been appointed to administer, "because a large majority of the members of both branches of Congress, and a vast majority of the jurists in the United States, entertain the conviction that slavery does not and cannot exist in the Territory of Deseret without the sanction of positive law, yet to be enacted," an almost verbatim recounting of his earlier assessment of congressional opinion.<sup>53</sup>

John M. Bernhisel thus emerges as a shrewd lobbyist, keen on presenting his people and his territory in the best light, while also avoiding spreading information that could contribute to the sectional conflict and threaten Utah's already-tenuous chances for self-government. He successfully controlled information about Utah to communicate a favorable image of the Mormons; favorable enough that he could secure Brigham Young's appointment as governor, with several other leading church members in other territorial government positions. Bernhisel would later be stunned by Utah Territory's

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<sup>52</sup>Bernhisel to Brigham Young, 21 Mar. 1850 and 12 Sept. 1850, Bernhisel Papers, LDSCA. Emphasis in original.

<sup>53</sup>Bernhisel to Brigham Young, 3 July 1850, in *Journal History of the Church of Jesus Christ of Latter-day Saints*, 3 July 1850.



passage of laws establishing slavery over his recommendations. Yet he remained, as one scholar surmised, “a man of...courage, an effective lobbyist, and a stalwart missionary of the Mormons.”<sup>54</sup> It could also be said that he understood the divisive nature of slavery, and calculatingly controlled the information congressmen could obtain regarding its practice in Utah.

#### COMMITTEE OF THIRTEEN AND ONWARD

Henry Clay proposed his compromise measures on 29 January 1850; for five weeks, these measures and their counterproposals were essentially all that Congress debated. Several days after Daniel Webster’s “Seventh of March” speech, Senator Foote motioned that the Senate establish a special Committee of Thirteen senators to draft new compromise measures satisfactory to both sections. After postponement of selection until 19 April, the Senate finally selected six Northern and seven Southern committee members (two of the Southerners, Clay and Bell, had put forth compromise measures themselves). For several weeks the Committee of Thirteen worked and reworked Clay’s proposals, those of Senator John Bell relative to a Texas-New Mexico border dispute, and the bills and resolutions that emerged in response, finally reporting three separate compromise bills on 13 May. The first, dubbed the “Omnibus” bill, included a provision establishing a territorial government for Utah, but limiting the territorial legislature’s power over slavery: “the legislative power [of the territory]...shall extend to all rightful subjects of legislation...but no law shall be passed interfering with the primary disposal of the soil, nor in respect to African slavery.” With this rendering, writes historian Robert

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<sup>54</sup>Melville, *Conflict and Compromise*, 99.

R. Russel, the Committee “recognized that slavery was a ‘rightful’ subject of legislation but forbade the territorial legislatures to touch it.”<sup>55</sup> Senators of all dispositions seemed to be in favor of the clause, with pro-Wilmot Proviso Northerners believing that protecting the “primary disposal of the soil” could mean retaining the Mexican law’s restriction on slavery, while Southern ultras hoped the clause on slavery would “prevent the legislatures from enacting any new laws inimical to the institution.”<sup>56</sup>

The clause restricting the territorial legislatures from legislating on slavery remained in the Omnibus bill for several weeks before being struck out in senatorial debate. In its final version, the bill creating Utah Territory left the legislature “entirely free to legislate on slavery as well as on all other ‘rightful’ subjects not expressly removed from the bill.” The territorial Governor was granted the veto power over all legislation, however (including, theoretically, slave legislation), all territorial laws were made subject to approval by Congress, and any court cases involving slavery in the territory were required to be appealed directly to the Supreme Court. Furthermore, according to the legislation, “when admitted as a State, the said territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission.” These slavery measures remained in the Utah bill’s final version. While a great number of senators and representatives did not vote in favor of the bill, enough saw satisfactory compromise in these measures, believing that their section would ultimately gain thereby, to vote to

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<sup>55</sup>*Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 947-8; and Russel, “What Was the Compromise of 1850?”, 296.

<sup>56</sup>Russel, “What Was the Compromise of 1850?”, 297.

establish Utah Territory.<sup>57</sup>

The pro-Wilmot Proviso Northerners who refused to concede any Southern demands did so, in many cases, on moral grounds. Some congressmen, like William H. Seward, rejected compromise outright: “I am opposed to any such compromise [on the issue of slavery] in any and all the forms it has been proposed,” he said on 11 March 1850. Seward thought it absurd to speak of compromise lines like 36°30’, especially when they were assumed to be representative of natural limits imposed by God. “I find no authority for the position, that climate prevents slavery anywhere. It is the indolence of mankind, in any climate, and not the natural necessity, that introduces slavery in any climate.” Many other free-soilers agreed.<sup>58</sup> The final version of the Utah bill—the first part of the Compromise of 1850 to pass through the Senate—was voted to be engrossed and read a third time by only 11 of 26 Northerners voting in the Senate.<sup>59</sup> After debate in

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<sup>57</sup>The Utah bill was initially one part of the “Omnibus” bill, as indicated above. As the bill underwent debate in the Senate on 31 Jul. 1850, however, provision after provision was stricken from the Omnibus until only Utah’s territorial inception remained. The bill (S. 225) was engrossed and its name changed the next day from “An act to admit California as a State into the Union, to establish Territorial governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries” to “An act to establish a Territorial government for Utah.” The bill passed in the Senate on 1 Aug. and was sent to the House that day. Bernhisel wrote that when the Utah bill arrived in the House for debate, “it was received with hearty laughter from all sides of the Hall, some Members enquiring [*sic*] what had become of the Omnibus, as only one passenger had reached the House in safety.” See *Senate Journal*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 495-515, 518; and Bernhisel to Brigham Young, 9 Aug. 1850, in *Journal History of the Church of Jesus Christ of Latter-day Saints*, 9 Aug. 1850.

<sup>58</sup>*Appendix to the Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 262, 266; see p. 1484 for more objections to the 36°30’ line. See also Morrison, *Slavery and the American West*, 112-3, for a quote similar to Seward’s by Senator Salmon P. Chase of Ohio.

<sup>59</sup>Russel wrongly assumes this vote for engrossing to be the final vote. No official record of the Senate vote exists, nor was a roll call vote taken. All the records say is that it was “*Resolved*, that this bill pass,” with no vote recorded in the *Senate Journal*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 518; the *Appendix to the Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 1485,

the House, the Utah bill passed with only 42 of 112 Northern votes there. For many Northerners, many of whom clung to the Wilmot Proviso, compromising with popular sovereignty would mean compromising their morals.

Still, 42 Northerners, 30 of them Democrats, voted for a bill that did not explicitly prohibit slavery's expansion to Utah. Those Northerners who voted for the Utah bill and its popular sovereignty position did so for a variety of reasons. Some viewed it as an acceptable compromise, since Southerners could legitimately demand no more than an "equal right" to the new territory—that was all that John C. Calhoun claimed to demand from the Mexican Cession, in fact.<sup>60</sup> Natural limits would exclude slavery anyway, many of these moderate Northerners believed, having been assured such by reports of the climate and terrain as well as John M. Bernhisel's strategic silence on the subject. James Brooks of New York served as a spokesman for this camp of Northerners in the House. "No section of our country has anything to lose...by the policy of non-action in this matter of slavery," Brooks asserted on 29 August 1850; rather, "that destiny of Almighty God...has regulated all these things for us." Much like Daniel Webster, Brooks viewed the hand of Providence as shaping where slavery could go. Any insistence on the Wilmot Proviso, or its Southern opposite, served only to divide the Union. "The question, I say,

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says parenthetically, "on the next day [1 Aug.] this bill, which now provided only for a territorial government in Utah, was read a third time and passed." During the House debates over a month later, however, James A. Seddon of Virginia remarked that the Utah bill "received the approbation of all the Senators from the South." *Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 1703.

<sup>60</sup>*Appendix to the Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 263. This is what "equal right" came to mean—popular sovereignty—although many Southerners, Calhoun included, would accept nothing less than equal *protection* of slavery in the territory. The landmark *Dred Scott v. Sanford* Supreme Court decision of 1857 would provide such protection, although the case itself did not involve either New Mexico or Utah.

is settled, and all man can do, is by unnecessary agitation to sow the seeds of civil war, and to make unhappy and bloody the soil on which we dwell.”<sup>61</sup>

Some Northerners, like Roger S. Baldwin of Connecticut, supported popular sovereignty after hearing that a New Mexico constitutional convention rejected slavery in its constitution. Surely Utah, Providentially placed North of New Mexico, would do the same. Still others like Stephen Douglas and William A. Richardson, both of Illinois, saw in popular sovereignty a simple extension of rights usually reserved for states. Since the territorial legislatures would eventually determine the status of slavery (when applying for statehood), extending them the right to legislate on the subject during the territorial phase of their development was not problematic from a democratic point of view.<sup>62</sup>

Most expansionist Southerners truly believed that, if Utah was left open to slavery, they would be able to move into the territory with their slaves and perpetuate the institution. Utah’s agricultural emphasis and lack of Northern industry certainly did not provide a disincentive to eventual migration. The great distance and difficulty of travel, along with assured profits in closer proximity, served as greater disincentives to initial migration. Still, there was not yet a pressing need to migrate with slaves, however, just the need to preserve the *possibility*.<sup>63</sup> Hence Mississippian Jefferson Davis’ statement

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<sup>61</sup>*Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 1701

<sup>62</sup>Russel, “What Was the Compromise of 1850?”, 307-8. Of the New Mexico constitution prohibiting slavery, Bernhisel wrote, “This movement in New Mexico has created quite a sensation in both wings of the Capitol. The general impression, however, appears to be that she will not be admitted until she has served a territorial apprenticeship,” as it was becoming readily apparent Utah would also have to do. See Bernhisel to Brigham Young, 3 Jul. 1850, in *Journal History of the Church of Jesus Christ of Latter-day Saints*, 3 Jul. 1850.

<sup>63</sup>Some compelling research has been done on the possibility of slavery’s profitable geographic extension beyond the slave states at the time of the Civil War.

that “We do not ask Congress to express an opinion in relation to the decree of nature, or say that slavery shall be planted in any of the Territories of the United States.”

Slaveholders simply “claim that we shall be permitted to have the benefit of an experiment, that we may have that equal participation in the enjoyment of the Territories which would secure to us an opportunity to be heard in the determination of their permanent institutions.”<sup>64</sup> Robert Toombs of Georgia told a fellow Southerner, “There could certainly be no outrage connected with this legislation” and its silence on slavery—only an equal opportunity extended to the South.<sup>65</sup> This perspective led a great majority of Southerners to vote for the Utah bill and its popular sovereignty provision: 21 Southern senators voted to engross the Utah bill for its final reading and only two opposed, with 56 Southern representatives voting for and 15 against the final version of the bill.

Those 15 Southern ultras who voted against the Utah bill wanted greater

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Russel (305) cites some of his own investigation on the subject, but perhaps the most well-known (and controversial) study is Robert Fogel and Stanley Engerman’s *Time on the Cross: The Economics of American Negro Slavery* (New York: Little, Brown, and Company, 1974), especially pp. 94-102 and 199 for their discussion of natural limits and slavery in the West. The authors emphasize that “the cotton culture was not identical with slavery,” although producing cotton was “one of the most important occupations of slaves.” Fogel and Engerman assert that slavery could have continued profitably beyond the Civil War, basing their claim on data indicating that the amount of land used for cotton production “nearly doubled between 1860 and 1890” and “more than doubled between 1890 and 1925.” They also argue that “the westward movement of southern farming was due, not to the depletion of soils, but to the increase in demand for products whose relative advantage was on western rather than on eastern soils.” Revolutions in transportation and cultivation management opened new lands to cultivation, as well. Their suppositions remain compelling, although their underlying theme of economic determinism perpetuating slavery leaves out other important elements, social, cultural, and otherwise.

<sup>64</sup>*Appendix to the Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 154.

<sup>65</sup>*Congressional Globe*, 31<sup>st</sup> Cong., 1<sup>st</sup> sess., 1774.

protection for slavery, nothing short of an assurance that they could go wherever they would with their slaves. They saw Northern “doughfacism”—willingness to vote with the South—as a sham, concealing underlying antislavery sentiments. “Let us have no part nor lot in this foul wrong,” spoke Virginian James A. Seddon; “Let us not weaken the force of our opposition and repugnance by acquiescence in this the pettiest [element] of the whole [compromise].”<sup>66</sup> Alabaman David Hubbard could hardly agree with the position that “little or no harm has been done” by “depriv[ing the South] of all her interest in the newly acquired Mexican territory, for which she paid her full share.”<sup>67</sup> The two of them joined with a total of three Virginians, six South Carolinians, four Alabamans, and two Mississippians to vote against the Utah bill. An additional 21 Southerners did not vote in the House, either abstaining or being absent for the vote. Richard Meade and John Millson, both of Virginia, abstained from voting on the Utah bill after having their pro-slavery amendments struck down.<sup>68</sup> Like their antislavery Northern counterparts, a number of Southern ultras remained intransigent in the face of compromise.

## CONCLUSION

The bill that created Utah Territory and allowed its legislature to determine the status of slavery passed the Senate on 1 August 1850 and the House on 7 September 1850. Most significant to its passage was the fact that no congressman knew for a fact

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<sup>66</sup>Ibid.

<sup>67</sup>Ibid., 1775.

<sup>68</sup>Ibid., 1772-3, 1776.

that slavery already existed in the territory. That Mormon emigrants from Mississippi and elsewhere had brought their slaves to Utah and kept them in slavery remained a closely guarded secret that only a handful of men in the east suspected and even fewer knew absolutely. Although John M. Bernhisel had not been specifically counseled by Mormon leaders in writing to remain silent on slavery, he held an astute-enough perception of the sectional conflict to abstain from revealing, in his many interviews with influential men, that Utah Mormons owned slaves.<sup>69</sup>

This allowed the Thirty-first Congress to act on what little information they had, tempered to a degree by what their sectional affiliation proclaimed. Northerners remained divided, although a significant minority conceded that popular sovereignty might, indeed, unite with natural limits to prevent slavery's expansion. Joining with a majority of the also-divided Southerners, these congressmen passed one act that would combine with several others in 1850 to delay civil war for a few more years. Had the Thirty-first Congress known more of Mormons, and their historical dealings with slavery, more Northerners may have opposed the Utah Territorial bill, delaying compromise and perhaps inviting hostility even sooner. Bernhisel expressed this understanding in a letter shortly after the close of the congressional session:

The members of Congress from the non-slaveholding States were so fully determined not "to bow the knee to the dark spirit of slavery" that if they had believed that there were even half a dozen slaves in Utah, or that slavery would ever be tolerated in it, they would not have granted us a Territorial organization, nor can our Territory ever be admitted as a State into the Union, unless our

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<sup>69</sup>Brigham Young did counsel Bernhisel to reject any territorial "probationary [antislavery] clause," in proposed legislation creating Utah territory, but did not explicitly write that Bernhisel should remain silent on slavery. Brigham Young to John Bernhisel, 19 July 1849, quoted in Bringhurst, *Saints, Slaves, and Blacks*, 64.



constitution contain a clause prohibiting the introduction of slavery.<sup>70</sup>

No one, Bernhisel least of all, could have foreseen that the first Utah Territorial legislature would pass legislation by early 1852 establishing slavery as a legal practice.

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<sup>70</sup>Bernhisel to Brigham Young, 9 Nov. 1850, in *Journal History of the Church of Jesus Christ of Latter-day Saints*, 9 Nov. 1850.

### CHAPTER III

#### “BARBARISM” IN THE GREAT BASIN: AFRICAN-AMERICAN SLAVERY AND UTAH’S FIRST TERRITORIAL LEGISLATURE

*[Toast] no. 17[, to] The Kingdom of Liberty:--Free soil, free elements, free knowledge,  
free religion, and free men ad infinitum.  
—24<sup>th</sup> of July Celebration toast, Salt Lake City, 24 July 1849<sup>1</sup>*

*[S]ervitude may and should exist, and that too upon those who are naturally designed to  
occupy the position of "servant of servants;" yet we should not fall into the other extreme,  
and make them as beasts of the field, regarding not the humanity which attaches to the  
colored race; nor yet elevate them, as some seem disposed, to an equality with those  
whom Nature and Nature's God has indicated to be their masters, their superiors.  
—Brigham Young, 5 January 1852*

The winter of 1851-2 was one of the mildest the Utah Mormons had seen since their arrival in the Great Basin. Not only did this allow the Mormons’ livestock to forage for their own food for much of the winter (rather than consume scarce hay reserves), but it allowed construction to boom in the various Mormon settlements. Additionally, the mild winter made possible an early planting that would lead to a bumper crop come harvest time, even with severe frosts, snow, and ice storms in late April. The Utah Mormons were able to enjoy an 1852 harvest of grain and vegetables that had “been produced in abundance, and peaches and grapes of a most excellent quality, [that had] arrived to perfection.”<sup>2</sup>

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<sup>1</sup>*Journal History of the Church of Jesus Christ of Latter-Day Saints*, 24 Jul. 1849.

<sup>2</sup>“Seventh [and Eighth] General Epistle[s] of the Presidency of the Church of Jesus Christ of Latter-day Saints, from Great Salt Lake Valley, to the Saints Scattered

The mild winter also allowed the first Utah Territorial Legislature to meet in relative comfort during its several sessions, three in total, between September 1851 and March 1852. The Compromise of 1850 had provided for the organization of a territorial government in Utah with a governor, federal judges and other officials, and a territorial legislature comprised of thirteen councilors and twenty-six representatives. President Millard Fillmore appointed Brigham Young as governor (on the recommendation of John M. Bernhisel), authorizing Governor Young to apportion representative districts and hold territorial elections as he saw fit. This Young did, and on 22 September 1851 the legislature began its first session.<sup>3</sup> After the New Year, Governor Young opened the second session of the legislature with an address outlining some topics he felt should be discussed and legislated during the remainder of the legislature. Among the relevant subjects, Young asserted, were the problem of trafficking in Indian slaves (by Native tribes and Mexican traders) and the practice of African-American slavery among the Mormons. After speaking specifically against the Indian slave traffic, Governor Young said of slavery in general,

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Throughout the Earth,” in James R. Clark, ed., *Messages of the First Presidency of the Church of Jesus Christ of Latter-day Saints*, vol. 2 (Salt Lake City: Bookcraft, Inc., 1965), 92, 101.

<sup>3</sup>*Charter of Great Salt Lake City: and Ordinances and Resolutions of the City Council, also Organic Act of the Territory of Utah* (Salt Lake City: Deseret News Printing Office, 1859); and J. Keith Melville, *Conflict and Compromise: The Mormons in Mid-Nineteenth Century Politics* (Provo, UT: Brigham Young University Publications, 1974), 98-99. On the process of electing legislators, see Ronald Collett Jack, “Utah Territorial Politics: 1847-1876,” (Ph.D. dissertation, University of Utah, 1970), 74-6. According to Jack, councilors and representatives were “nominated” by Brigham Young or other church leaders, and then ran on unopposed tickets, at least in the early years of the territory. This amounted to Governor Young hand-picking those individuals he wanted on the legislature, reinforced by his ability as church President to call individuals on colonizing “missions” to parts of the territory which they could then represent in the legislature.

It is unnecessary, perhaps, for me to indicate the true policy for Utah, in regard to slavery. Restrictions of law and government make all servants; but human flesh to be dealt in as property, is not consistent or compatible with the true principles of government. My own feelings are, that no property can or should be recognized as existing in slaves, either Indian or African. No person can purchase them, without their becoming as free, so far as natural rights are concerned, as persons of any other color.

Young expressed his desire that the legislature would pass laws that recognized black slaves' essential humanity, but at the same time reinforced their scripturally justified servile status:

Thus, while servitude may and should exist, and that too upon those who are naturally designed to occupy the position of "servant of servants;" yet we should not fall into the other extreme, and make them as beasts of the field, regarding not the humanity which attaches to the colored race; nor yet elevate them, as some seem disposed, to an equality with those whom Nature and Nature's God has indicated to be their masters, their superiors.<sup>4</sup>

The legislature followed Brigham Young's counsel and, on the afternoon of 2 February 1852, during the special joint session of the legislature, passed "An Act in Relation to Service." Though the law never mentioned slavery by name, it established slavery as a protected practice. "*Be it enacted by the Governor and Legislative Assembly of the Territory of Utah,*" began the first section of the act, "That any person or persons coming to this Territory and bringing with them servants justly bound to them, arising from special contract or otherwise, said person or persons shall be entitled to such service or labor by the laws of this Territory."<sup>5</sup>

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<sup>4</sup>*Journals of the House of Representatives, Council, and Joint Sessions of the First Annual and Special Sessions of the Legislative Assembly of the Territory of Utah : Held at Great Salt Lake City, 1851 and 1852* (Great Salt Lake City: Brigham H. Young, 1852), 108-10, hereafter cited as *Journals*; also printed in *Deseret News* (Salt Lake City), 10 Jan. 1852.

<sup>5</sup>*Journals*, 122; and *Acts, Resolutions, and Memorials Passed by the First Annual, and Special Sessions, of the Legislative Assembly, of the Territory of Utah* (Salt

What had changed in Utah's Mormon population from the time of Joseph Smith's antislavery presidential campaign, the more recent celebration of Willard Richards that the territory was silent on slavery, and the cautionary pleas of John M. Bernhisel "that no person of African descent be reported as a slave" in Utah? Why did Brigham Young and the exclusively Mormon legislature choose to legally protect slavery given that it remained an inflammatory issue in national politics? Who were the legislators themselves, and what stake could they have, if any, in legalizing slavery? The evidence indicates that several complex motivations led the first Utah Territorial Legislature to legalize slavery in 1852. The legislators' ties to slaveholding Mormons, their commitment to upholding the tenets of Mormonism (especially revelation through prophets), and a desire to ameliorate slaves' station all contributed significantly to the establishment of slave law in Utah.

#### PROFILE OF A LEGISLATURE

First will be discussed the legislators themselves—their lives, their religious convictions, and their relationship to slavery. One of the evident realities about the thirty-nine men who comprised the 1851-2 legislature is that they were very committed to Mormonism. All converted to the religion prior to the Mormon exodus to Utah, and most of the legislators had converted prior to 1840, with at least ten of them in the first four years after the church had been organized.<sup>6</sup> All but four of the legislators are at least

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Lake City: Brigham H. Young, 1852), 80-2, hereafter cited as *Acts*; italics in original.

<sup>6</sup>A note on the sources for this section: I compiled most of the vital statistics and other information on the legislators from a few sources, including Joseph Smith, Jr., *History of the Church of Jesus Christ of Latter-day Saints*, 7 vols., ed. Brigham H.

mentioned in Joseph Smith's history, and ten have their names recorded in the *Doctrine and Covenants*. At least nineteen served as Mormon missionaries prior to the exodus from Nauvoo (several serving multiple missions), and a good number more would embark on missions after the 1851-2 legislative session. Most of the legislators served in leadership positions: three legislators were concurrently Mormon Apostles, including one member of the First Presidency (Willard Richards) and a future President of the church (Wilford Woodruff). Two legislators (George A. Smith and Daniel H. Wells) would later serve in the First Presidency, as well. Five were Presidents of the Seventy, and eighteen were members or future members of the Council of Fifty.<sup>7</sup> Many of the legislators served in other church and civic leadership positions, ranging from bishoprics to area and mission presidencies. Nine presided over various units of the church. At least eight served on the Nauvoo Legion (a Mormon militia), and three joined the Mormon Battalion that volunteered to fight in the Mexican War from 1846-8.

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Roberts (Salt Lake City: Deseret Book Co., 1980); Andrew Jensen, *The Latter-day Saint Biographical Encyclopedia*, 4 vols. (Salt Lake City: The Andrew Jensen History Co., 1901-1934); and Frank Esshom, *Pioneers and Prominent Men of Utah*, 2 vols. (Salt Lake City: Utah Pioneers Book Publishing Co., 1913). Most of the information on plural marriages and birthplaces I found in the LDS Church's Personal Ancestral File database, available for searching at many LDS Family History Centers or for download and viewing on the Internet at <http://www.familysearch.org>. Where appropriate, especially when referring to a specific legislator for whom secondary sources exist, I will cite the source; otherwise, it may be assumed that I used the above sources in compiling my collective profiles. See Appendix One for a list of all the legislators.

<sup>7</sup>The Council of Fifty planned for the administration of the earthly Kingdom of God under Joseph Smith's direction in Nauvoo, and later under Brigham Young's direction in Salt Lake City. Joseph Smith was actually ordained "king" by the Council of Fifty in 1844, envisioning a literal melding of church and state and the formation of a kingdom under the direction of God Himself through His appointed leader (in this case, Joseph Smith). D. Michael Quinn, "The Council of Fifty and its Members, 1844 to 1945," *BYU Studies* 20 (Winter 1980), 163-197; and Richard Lyman Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 519-25.

A good number of legislators also experienced the major Mormon trials firsthand. William W. Phelps' editorials in the *Evening and Morning Star* contributed to the Jackson County troubles in 1833, as discussed in Chapter I, and he was personally singled out for persecution by the Missouri mob that expelled the Mormons from Jackson County. Isaac Morley was present at the time, and offered himself (with Phelps and others) as ransom for the Missouri Saints.<sup>8</sup> At least five legislators participated in Zion's Camp (a failed relief mission sent to aid the Missouri Saints), and two (David Evans and Joseph Young) were present at the Haun's Mill Massacre in October 1838, wherein seventeen Mormons were killed in an ambush by a Missouri mob. Seven led companies of Mormons westward from Nauvoo in the initial exodus, and Daniel H. Wells even served as Brigham Young's *aide de camp* in a later wave of emigration.<sup>9</sup>

A significant number could be said to have been very close to Joseph Smith, as well. Willard Richards, who became the Mormon prophet's secretary and scribe, witnessed Joseph and Hyrum Smith's death in the Carthage Jail. Shortly beforehand, Joseph asked Richards whether he would enter the prison cell with him. Richards replied, "Brother Joseph...you did not ask me to come to jail with you—and do you think I would forsake you now? But I tell you what I will do; if you are condemned to be hung for treason, I will be hung in your stead, and you shall go free." Minutes later, a mob assaulted the jail, killing Joseph and Hyrum Smith and severely wounding John Taylor,

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<sup>8</sup>Smith, *History of the Church*, 1:394, fn; and John Clifton Moffitt, *Isaac Morley on the American Frontier* (n.p., n.d. [ca. 1973]), 8-11.

<sup>9</sup>Ibid., 7:481-2, 626. Wells was the last to convert to the church, joining shortly before the exodus. He had long been a friend to the Mormons in Illinois, however. See Jensen, *Biographical Encyclopedia*, 1:62-3.

who was also present. Richards somehow avoided the angry storm of musket balls that peppered the room, fulfilling a prophecy of Joseph Smith that “the time would come that the balls would fly around [Richards] like hail, and he should see his friends fall on the right and on the left, but that there should not be a hole in his garment.”<sup>10</sup>

John S. Fullmer, who had been baptized by Joseph Smith in 1839, also figured prominently in the events before Joseph Smith’s death. He left with the prisoners a small pistol that they used in defending themselves, and he also spent the night before the martyrdom with Joseph Smith. After the prisoners heard a gunshot near the jail, Joseph laid on the floor between Dan Jones and John S. Fullmer. The Mormon prophet extended his arm and said, “Lay your head on my arm for a pillow, Brother John,” after which the two talked quietly for some time. Fullmer “tried to rally [Smith’s] spirits,” encouraging the prophet, after which “Joseph thanked him for the remarks and good feelings expressed to him.” One of John S. and David Fullmer’s sisters was also a plural wife of Joseph Smith.<sup>11</sup>

Others appear close to Smith throughout the prophet’s life and ministry. George A. Smith was a first cousin to Joseph and the youngest Apostle in the history of the church.<sup>12</sup> Benjamin F. Johnson and his wife entertained the prophet on a number of occasions, and seem to be those to whom a revelation on eternal marriage (D&C 131:1-4)

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<sup>10</sup>Smith, *History of the Church*, 6:616, 619.

<sup>11</sup>Ibid., 6: 600-1; and Jerry D. Wells, ed., *John Solomon Fullmer, The Man and His Writings* (Provo, UT: Brigham Young University Press, 2003), 5-6.

<sup>12</sup>See C. Kent Dunford, “The Contributions of George A. Smith to the Establishment of the Mormon Society in the Territory of Utah,” (Ph.D. dissertation, Brigham Young University, 1970).



was directed. Two of Johnson's sisters also became plural wives of Joseph Smith, and Johnson referred to himself as "the bosom friend and companion of the Prophet Joseph Smith."<sup>13</sup> Smith lived with Isaac Morley during the winter of 1830-1831, Albert P. Rockwood helped Smith flee to seclusion in August 1842, and Henry G. Sherwood was miraculously healed by Smith during the initial days of sickness in Commerce, Illinois. The day before Joseph Smith's martyrdom, David and Orson Spencer, Daniel H. Wells, and Albert P. Rockwood were requested as witnesses for Smith's pending trial.<sup>14</sup> Clearly, all of the 1851-2 legislators were deeply committed to the church and society that Joseph Smith had founded—possibly best indicated by the fact that all but three of them practiced polygamy at one time or another.<sup>15</sup>

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<sup>13</sup>*Doctrine and Covenants* 131:1-4; see also Smith, *History of the Church* 5:391-2. After arriving at the Johnson home with William Clayton in May 1843, Joseph Smith recounted, "Before retiring, I gave Brother and Sister Johnson some instructions on the priesthood; and putting my hand on the knee of William Clayton, I said,...[then follows the text of *Doctrine and Covenants* 131:1-4]." See also Benjamin F. Johnson, *My Life's Review* (Independence, MO: Zion's Printing & Publishing Company, 1947 [reprint]), 93, 97.

<sup>14</sup>Smith, *History of the Church*, 5:90; 4:4; 6:576; and Moffitt, *Isaac Morley*, 4.

<sup>15</sup>Their migration to Utah also indicates their commitment to Mormonism; polygamy served as a different kind of test for men who had all been raised in monogamous society. According to prominent Utah historian Thomas Alexander, the Mormons came to view polygamy as an ideal form of marriage that "allow[ed] a faithful priesthood holder and his wives and children to begin a kingdom that could lead to godhood for them as well." Because of this strong link between plural marriage and the divine, it became a common practice that "church leaders refused to ordain men to administrative callings unless they took an additional wife." Polygamy tested faithfulness as well as commitment to Mormon leaders, who often suggested the entry into plural marriage. See Thomas G. Alexander, *Utah, the Right Place: The Official Centennial History*, revised edition (Layton, UT: Gibbs Smith, Publisher, 1996), 188-9. His bibliographic entry on p. 466 provides further sources on polygamy.

Regarding Utah legislators who did not practice polygamy, Andrew L. Lamoreaux did not become a polygamist arguably because he died on a mission in 1855 (see Jensen, *Biographical Encyclopedia*, 3:666-7); Elisha B. Groves and George W.

The legislators were also committed to Joseph Smith's successor, Brigham Young. Joseph Young was the prophet-governor's older brother; Phineas and Willard Richards were his cousins (Willard was baptized by Young in December 1836 and served as Young's counselor in the First Presidency from 1847-1854). Albert P. Rockwood had been converted to Mormonism and baptized by Brigham Young, who also performed the marriage ceremony of Lorin Farr and Farr's first wife, Nancy B. Chase. As previously mentioned, Daniel H. Wells served as Young's *aide de camp* in the exodus, and Young apparently insisted on "his near presence" when Wells settled in Salt Lake City. Wells also served for twenty years as a counselor to Brigham Young in the First Presidency. William Miller is famous for his role in the "Bogus Brigham" incident, when a number of federal officers and state troops attempted to arrest Brigham Young at the Nauvoo Temple in late 1845. Miller quickly took Young's cap and Heber C. Kimball's cloak and exited the temple, preparing to enter Young's carriage as if he were the prophet. The marshal arrested and detained Miller for some time, not ascertaining whether he were really Brigham Young until later that evening, allowing Young to avoid capture (and

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Brimhall both had more than one wife but not concurrently. (Incidentally, the latter two were latecomers to the 1851-2 legislature, both from Iron County and both elected in November 1851, although it seems absurd to assume that they were selected only after polygamous representatives could not be found).

I considered making the qualification that *nearly* all of the legislators were deeply committed to Mormonism because Alexander Williams eventually left the Salt Lake Mormons to join the Reorganized Church of Jesus Christ of Latter-day Saints, led by Joseph Smith III. Williams stayed in Utah until the early 1860s, however, and practiced polygamy in Utah before joining the RLDS church, so it appears that he was still deeply committed to Mormonism in 1851-2. See Kimball Croxier, "A Biography of Alexander Williams, ca. 1950," unpublished manuscript, L. Tom Perry Special Collections, Brigham Young University, Provo, UT.

Miller to have some fun with the frustrated marshal).<sup>16</sup>

Others exhibited similar fealty in support of Brigham Young. William W. Phelps took a leading role in the rejection of Sidney Rigdon's claim to the presidency of the church following Joseph Smith's death, motioning that Brigham Young be upheld "as president of the quorum of the twelve, as one of the Twelve and first presidency of the Church," and thus legitimate leader *pro tempore*. Hosea Stout "was noted for his fidelity to Brigham Young, who, especially in matters connected with legal affairs, frequently consulted him." Stout eventually became "a true and staunch friend" of the prophet, "who placed the utmost confidence in his ability and integrity." John Rowberry was also said to have developed a "warm friendship" with Brigham Young and accompanied him on a number of preaching engagements in the territory. Young sent Edwin D. Woolley on several assignments to conduct business for the Saints, and eventually employed him as superintendent of all his private business.<sup>17</sup> Long before Young wrote of the 1851-2 legislature that "The most agreeable concord existed between the Assembly and myself," he had already established concordant personal ties with a good portion of the legislature. Not only that, but he led the religion to which they had committed their lives.<sup>18</sup>

The legislators were also deeply committed to each other through familial and church ties. Three pairs of brothers served together on the legislature: Phineas and

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<sup>16</sup>Jensen, *Biographical Encyclopedia*, 1:54, 63, 194, 749; and Smith, *History of the Church*, 7:549-51.

<sup>17</sup>Jensen, *Biographical Encyclopedia*, 1:633; 3:533-4, 695; and "John Rowberry," 3.

<sup>18</sup>"History of Brigham Young," History of the Church Collection, Church Historian's Office Records, LDS Church Archives (LDSCA), Salt Lake City. Entry dated 6 Mar. 1852.

Willard Richards, Daniel and Orson Spencer, and John S. and David Fullmer.

Additionally, three members of the legislature had baptized or converted other legislators: Wilford Woodruff baptized John Rowberry, Henry G. Sherwood baptized David Fullmer, and James Brown was baptized after hearing David Evans preach. Benjamin F. Johnson and Alexander Williams had known each other in their youth and went together on an 1838 expedition to Far West, Missouri.<sup>19</sup> The legislators' commitment to each other through kin, common experiences, and faith led to an atmosphere of conciliation in the first territorial legislature. Their belief in Mormonism and their bonds to each other and their prophets are important to consider in discussing their motivations; also important are their ties to and writings on slavery.

#### LEGISLATORS AND SLAVERY

An obvious first place one would look in striving to find out why the legislature voted for slavery would be the journals of the legislative assembly during which the act was passed. Unfortunately, the secretaries recorded very little detail in their reports of the legislative proceedings. Besides Governor Young's opening address expressing his opinions on servitude, the slavery act is mentioned only twice. On 23 January 1852, George A. Smith reported to the Council "an act in relation to African Slavery," during the afternoon session. Orson Pratt motioned that the Council accept the report and have the bill read for approval, which was done, the bill passing. Alexander Williams

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<sup>19</sup> "[Biographical Sketch of] John Rowberry," Typescript, Utah State Historical Society (USHS), Salt Lake City, 1; Jensen, *Biographical Encyclopedia*, 1:289; Gladys Brown White, "History of Captain James Brown," (unpublished manuscript, USHS, 1947); and Johnson, *My Life's Review*, 38.

motioned that the bill be read a second time, after which Charles R. Dana called for the bill to be sent back to committee. George A. Smith motioned to have the committee that drafted the bill (of which he and Orson Spencer were members) add a preamble, and that is all the legislative journals say.

The second time the slavery bill comes up in the legislative journals is found on the day the bill passed. The Council and House met February 2 in special joint session to wade more quickly through all the legislation with which they had not yet dealt, and on this first day of their joint session took up the renamed “Act in Relation to Service” for consideration. The bill passed its first reading with no objections. After its second reading, Joseph Young motioned to have part of section four amended; once done, the bill passed its second reading. After the third reading, James Brown motioned that the bill be considered passed, which it was. There the record ends in relation to the slavery act.<sup>20</sup>

And there the questions begin. Besides George A. Smith’s recommendation that the committee draft a preamble, and Joseph Young’s amendment to the bill, there appears to have been no dissent. Why? Was it just a fault of the legislative journals that no roll call votes were recorded (although no one appears to have motioned for such a vote), or did the legislature really approve of the bill unanimously? There are no definitive answers to these questions; only indicators.

Remarkably, several legislators owned slaves themselves, or eventually owned slaves, a fact that has been overlooked in all the literature discussing the 1851-2 legislature. John Brown had sent one slave, Henry, to Winter Quarters in 1846 as part of

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<sup>20</sup>*Journals*, 85, 122.

the initial exodus; had Henry not died of pneumonia en route, he would have joined Hark Lay, Oliver Crosby, and Green Flake in the vanguard company of Saints. Brown owned at least one other slave himself<sup>21</sup> Edward Hunter, another legislator, apparently bought a teenaged black slave named Gobo Fango after 1865, although he “then immediately put him on the payroll, just as he did all the hired hands.”<sup>22</sup> Legislator Albert P. Rockwood also bought or otherwise acquired two Indian slaves who lived with his family until they both met untimely deaths. Such information speaks loudly in explanation of why a legislature focused on unifying a diverse people might choose to legalize slavery.<sup>23</sup>

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<sup>21</sup>Incidentally, John Brown had baptized Green Flake in 1844, a year after Green’s owner had converted to Mormonism. He also married the sister of William Crosby (Oliver’s owner, who brought at least five other slaves to Utah), and was related by marriage to William Lay and John H. Bankhead, other prominent slaveholders in Utah. Brown settled amongst the Mississippi Saints and slaves who established themselves in the Cottonwood area southeast of Salt Lake City. William E. Parrish, “The Mississippi Saints,” *The Historian* 50 (Aug. 1988): 491-2, 499; Bringham, *Saints, Slaves, and Blacks*, 220-1; Kate B. Carter, *The Story of the Negro Pioneer* (Salt Lake City: Daughters of the Utah Pioneers, 1965), 18; Ronald G. Coleman, “A History of Blacks in Utah, 1825-1910,” (Ph.D. dissertation, University of Utah, 1980), 39.

<sup>22</sup>H. Dean Garrett, “The Controversial Death of Gobo Fango,” *Utah Historical Quarterly* 57 (Summer 1989): 267.

<sup>23</sup>This does not necessarily mean that either Hunter or Rockwood approved of African-American slavery, or even regarded Indians as slaves. The record simply states that Rockwood “bought an Indian boy whose tribe had put him out to die of starvation,” for “1 sack of flour and some corn, all he could spare from his small rations.” (Although, if the tribe had abandoned him, why the need for payment? It seems more likely that natives showed up at Rockwood’s door and *threatened* abandonment if he did not purchase the boy, which was a relatively common appeal to the moral sense of the Mormons). The other native, apparently an infant, “was also saved from starvation” and lived with Rockwood “until she was about 12 years old, when she died of a contagious disease.” Luceal Rockwood Curtis, *Compiled and Assembled History of Albert Perry Rockwood* (Salt Lake City: n.p., 1968), 112. I discuss the relationship between Indian slavery and African-American slavery in greater detail below.

As far as the legislature intending to unify a diverse and booming population (which, as I was reminded by Dr. Matthew Mason, is not always the case with legislatures!), consider statistics provided by Leonard Arrington: the Mormon population

The legislators' states of origin may also serve as an indicator of their attitudes towards slavery; however, early Mormonism drew most of its converts from New England and Britain.<sup>24</sup> The legislature's makeup corresponds. Twenty-nine were from Northern States prior to joining the Mormon church: ten from Massachusetts, seven from New York, four from Pennsylvania, three from Vermont, two each from Ohio and Connecticut, and one from New Jersey. Three were foreign-born: William Kay and John Rowberry hailed from England, and Andrew Lamoreaux grew up in Canada; for a total of thirty-two non-Southern legislators. The remaining seven were born in Southern states: James Brown in North Carolina, James G. Browning and John Brown in Tennessee, David Evans in Maryland, Hosea Stout and Elisha Groves in Kentucky, and Alexander Williams in Georgia.

While the numbers seem ostensibly in favor of Northerners, several legislators, though not from the South, held close ties to southerners. Daniel Spencer had operated a successful merchandising business based in Savannah, Georgia, for a number of years prior to converting to Mormonism, and five of his brothers emigrated to Southern states

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in Utah exploded from 6,000 in 1849 to 20,000 in 1852. Most were New Englanders and many heralded from Britain, but others came from Canada, the midwestern and southern United States, and other parts of Europe. See Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830-1900* (Cambridge, MA: Harvard University Press, 1958), 97. Willard Richards wrote to Thomas Kane regarding how challenging it was to reconcile the various perspectives of the legislators and meet the needs of the diverse Mormon population: “[I]t is hard to mix oil and water, so as to form a perfect equilibrium of the whole mass.” Still, coming to a “perfect equilibrium” remained the legislature’s goal. Richards to Kane, 29 Jan. 1852, in Willard Richards papers, LDSA.

<sup>24</sup>Sectional affiliation said little about slavery attitudes throughout the country in the early decades of the nineteenth century, anyway. While most Northern states had few slaves, abolitionists were not extremely popular as late as the 1840s, as discussed in Chapter I. Additionally, most white southerners did not own slaves.

including Georgia, North Carolina, and South Carolina. His mercantile ventures also provided the funds for his brother and fellow legislator Orson Spencer to gain his theological education. Additionally, New Yorker Henry G. Sherwood served as a Mormon missionary in New Orleans.<sup>25</sup> It appears that at least ten legislators had strong personal links to the South through birth, business, or brotherhood—though these links cannot be used to indicate pro-or anti-slavery attitudes with any degree of accuracy.

The legislators' outside writings on slavery, race, and the South might more effectively indicate their attitudes towards slavery; unfortunately, few such sources have survived. William W. Phelps tried to stay aloof from the slavery issue when editing the *Evening and Morning Star* in Independence, Missouri, as discussed in Chapter I, but it was his association of abolition with “the wonderful events of the age” that contributed to the Mormon expulsion from Missouri. Few who suffered persecutions at the hands of Missourians had good to say about the slaveholders who expelled the Mormons. Legislator Benjamin F. Johnson, for example, recalled the great animosity that Missourians had exhibited towards him in 1838 while he was their prisoner: “With the ignorant Missouri barbarians...I was a hated Yankee, and the subject for every insult.” Still, such sentiments did not amount to antislavery feelings, or necessarily anti-slaveholder feelings (since relatively few Missourians owned slaves). It would be more appropriate to label the Mormon emotion toward their former persecutors as anti-Missourian.<sup>26</sup>

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<sup>25</sup>Jensen, *Biographical Encyclopedia*, 1:286; Smith, *History of the Church*, 4:403.

<sup>26</sup>Johnson, *My Life's Review*, 44. See also the Introduction and Chapter I, p. 16 and 18-9 of this thesis for more instances of anti-Missourian feelings that have been misconstrued as antislavery. A fellow graduate student of mine, David Grua, has done



Other sources are less ambivalent, especially on the idea of race. William W. Phelps, while inexplicit on slavery, later identified blackness with sin, and especially the grievous sin of apostasy. “Is or is it not apparent,” he wrote, “from reason and analogy...that God causes the saints, or people that fall away from his church to be cursed in time, with a *black skin*?” The association of blackness with sin, while not new, may have led to or reinforced in Phelps a belief in African-American inferiority that justified their state of servitude. Phelps also adopted a personal belief in the biblical Curse of Ham or Canaan. After arriving in Utah, Phelps wrote that the region would bless all who came therein, including blacks, the inheritors of the Curse of Canaan: “HERE let the Jehovah smitten Canaanite bow in humble submission to his superiors, and prepare himself for a mansion of glory when the black curse of disobedience shall have been chased from his skin by a glance from the Lord.”<sup>27</sup>

Fellow legislator Benjamin F. Johnson had an experience on the frontier that may have contributed to a negative view of African Americans on his part. While working at Fort Kearney during the winter of 1838-1839, he witnessed firsthand many of the evils against which his adopted religion preached. He later wrote, “Here I began to comprehend more fully the vices of the world: gambling, drunkenness, and prostitution were all bare and openfaced, and the Indian women and the negroes were just as common as was the money that would pay them.” Only twenty years at the time, Johnson

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some excellent research applying memory theory to Mormon recollections of the Missouri persecutions, and I refer to him anyone interested in learning more about that subject.

<sup>27</sup>*Latter-Day Saints Messenger and Advocate* (Kirtland, OH), vol. 1, no. 6 (Mar. 1835): 82; *Deseret News*, 26 July 1851. Emphasis in originals.

associated blacks with vice—and explicit sexuality—which could have led him to vote for the 1852 “Act in Relation to Service” that prohibited sexual intercourse between whites and blacks, slave or free.<sup>28</sup>

Still other facts complicate the identification of the legislature with pro-slavery and/or racist feelings. Levi W. Hancock, for example, was supposedly a “special friend” of Elijah Abel, the only black man to be ordained to the priesthood in the nineteenth century and migrate to Utah. Also, Hancock, David Evans, Elisha H. Groves, Daniel Spencer, and Andrew L. Lamoreaux were among the missionaries assigned to carry the message of Joseph Smith’s presidential platform—that had called for gradual, compensated emancipation of slaves—to the rest of the nation. Willard Richards wrote a letter to his brother William in 1838 regarding a freedman that Willard was sending to work for his brother, expressing his faith that the black man would not only alleviate some of the family’s workload, but also prove to be a good friend: “He is pleasant and sociable, has sat by my side at table since he has been in town and I would sit by him as cheerfully as by any white man.” Richards then declared to his brother his belief in the ability of the races to get along, writing, “A black skin may cover as white a heart as any other skin, and the black hand may be as neat and clean as the white one, and all the trouble arises from the want of familiarity with the two.”<sup>29</sup>

The legislature’s journals and the legislators’ diverse writings on and links to slavery provide no clear indicators as to why they would have collectively voted in favor of slavery. Aspects of Utah’s contemporary society, politics, and religion provide

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<sup>28</sup>Johnson, *My Life’s Review*, 54; *Acts*, 81.

<sup>29</sup>Carter, *Negro Pioneer*, 15; Smith, *History of the Church*, 6:335-40; and Willard Richards to William Richards, 15 Feb. 1838, excerpted in Carter, *Negro Pioneer*, 4.

additional explanations, however.

## POPULAR SOVEREIGNTY & PROPERTY RIGHTS

One possible motivation may be that the legislature's members simply wanted to exercise the popular sovereignty that the territorial charter granted them, without consideration for what Washington politicians thought. Controlling their laws and institutions certainly appealed to the Mormons—that had been one of the major motivations for transplanting their society in the Great Basin, and they would repeatedly call on the constitutional doctrine of state sovereignty to defend polygamy after its public announcement later in 1852. Still, it would have made little sense for Utah to legalize slavery, exercising popular sovereignty, without other motivations driving such a use of sovereignty. If no slaves had resided in the territory, there would have been no immediate circumstance requiring codified slave laws, and the Mormons could just as well use popular sovereignty to *outlaw* slavery, or say nothing at all about it in their legal codes.

The presence of several dozen slaves, however, certainly provided opportunity for conflict to arise over slavery. For example, several slaves ran away from their masters during the first few years in Utah, one even seeking refuge in Brigham Young's home.<sup>30</sup> In each case, the owners sought redress from Brigham Young. Though the records remain silent on the outcome for each runaway, the situations suggest that one simple motivation for legalizing slavery may have been to recognize publicly the rights of slaveholders to the labor of their slaves. A small, but significant, number of Mormon

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<sup>30</sup>Parrish, "The Mississippi Saints," 505; and Coleman, "A History of Blacks in Utah," 40-1.

converts owned slaves, and they also had a friend, family member, and fellow slaveowner on the legislature in John Brown. While there is no indication that Brown pushed Governor Young towards codifying slavery to protect Mormon slaveholders, it is plausible that defending the Mormon slaveowners—or, at least, not offending them—may have been a motivation for the legislators in general.

But what of those Mormons who had opposed slavery throughout their lives? A significant number of legislators had, after all, been part of the missionary force tasked with spreading Joseph Smith's 1844 presidential platform. Additionally, as Utah's leaders had been informed of the divisive nature of the slavery issue in Washington, such an awareness should, arguably, prompt them to at least postpone legislation on slavery until achieving statehood. That the legislature did push forward despite these realities indicates several possible explanations: first, Mormon leadership either did not consider the national political ramifications of their actions, or did not care. There does seem to exist in early territorial Utah an air of Mormon superiority or the desire to remain aloof from the United States, since state and federal governments failed to protect the Mormons from their persecutors in Missouri and Illinois.<sup>31</sup> As a second possibility, antislavery sentiment may have been either too weak to make an impact in the legislature, or possibly mollified by the religious and humanitarian justifications for slavery outlined below. Since Brigham Young himself put forth many of the arguments in favor of

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<sup>31</sup>See David J. Whittaker, "The Bone in the Throat: Orson Pratt and the Public Announcement of Plural Marriage," *Western Historical Quarterly* 18 (Jul. 1987): 293-314. Whittaker argues that, by mid-1852, the Mormons had become so self-assured that they could announce polygamy without hardly batting an eye at the government (although John M. Bernhisel had to tackle the immediate repercussions in Washington, as I discuss in Chapter IV).

slavery, it seems logical that the all-Mormon legislature, even if not agreeing completely with Young's defense of slavery, would strive to avoid placing themselves in direct opposition to their prophet-governor. Indeed, there is little to suggest that the legislature opposed Young at all, except perhaps in recognizing slaves as transferable property.<sup>32</sup>

Slaves could be seen as an indispensable form of property for some Mormons, who had to carry all of their goods and possessions overland to the Great Basin. Black slaves who could walk the whole way, work in building Utah's agricultural and urban infrastructure, and still retain their value as embodied commodities surely seemed a unique and useful form of property. However, Governor Young had expressed in his 5 January 1852 address to the legislature that he believed "no property can or should be recognized as existing in slaves, either Indian or African."<sup>33</sup> Other sentiments calling for limitations on slave sales also counter the idea that slaves were desirable for their transportable value, but the legislature *did* write into the slavery act procedures for the transfer of slaves. Several sales took place before emancipation.<sup>34</sup>

The legislature had its own limits to the commodification of blacks, however. An

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<sup>32</sup>This illustrates an important aspect of the legislature: though they strove to execute Governor Young's recommendations, the legislators did not bind themselves to acting as extensions of Young's will. While he had hand-picked most, if not all, of the legislators, and most occupied prominent positions in church hierarchy, they felt comfortable enough to disagree with Brigham Young when practical.

<sup>33</sup>*Deseret News*, 10 Jan. 1852.

<sup>34</sup>Brigham Young apparently told William Crosby in early 1851 that Mormons in general should "not wish to encourage the sale of Blacks in these valleys." Quoted in Coleman, "History of Blacks in Utah," 53. On slave sales, see Jack Beller, "Negro Slaves in Utah," *Utah Historical Quarterly* 2 (Oct. 1929): 125; and Garrett, "Gobo Fango," 266-7. A typescript of an oft-cited example of a documented slave sale—the only one certified before territorial authorities as prescribed by law—can be found in the Salt Lake City Recorder's Office Records, 1852-1859, Utah State Historical Society.

early version of the slavery act provided that, in case of inappropriate sexual behavior between owners and slaves, ownership of the slave would be transferred to the probate courts. “The Court shall [then] Indenture said servant or servants and his or her children to such other master or mistress as in his opinion will set before his servants a moral example.” This amounted to the territorial government actively perpetuating a bondage relationship, rather than simply permitting it. Many legislators apparently felt uncomfortable about guaranteeing that a person could gain the right to a slave someone else had “forfeited” through immorality; hence the general approval for Joseph Young’s amendment (probably to this part of section four). The final version reads simply that masters guilty of sexual impropriety would “forfeit all claim to said servant or servants to the commonwealth,” without prescribing what the commonwealth should then do regarding the slave’s status. This suggests that, while the legislature wanted the law to govern slaveholders in addition to validating and protecting the master-servant relationship, they cautiously avoided becoming too involved in the mechanics of slavery’s perpetuation.<sup>35</sup>

## RACISM & RELIGION

The presence of slaves—men and women who could work like other people, run away when dissatisfied with their conditions, and potentially form sexual unions with their masters—certainly called for some kind of action to be taken. Legalizing slavery was only one of many courses, however, and needed to be seen as legitimate by the

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<sup>35</sup>The earlier version is also titled “An Act in Relation to Service,” and is found in the Territorial Legislative Records, Series 3150, Box 1, Folder 55, Utah State Archives, Salt Lake City; the later version is in *Acts*, 81.

legislators before they could do so. This could have been especially problematic considering that Joseph Smith's last policy regarding slavery had been to campaign for its eventual end. The Utah Mormons found some justification for legalizing slavery in popular contemporary racist ideas, although the most powerful justifications evolved within their own religion.

Historian George M. Fredrickson conceptualized racism based on two components: "difference" and "power." One group exercises racism towards another first by viewing them as different "in ways that are permanent and unbridgeable." If we are the ones exercising racism, Fredrickson argued, "This sense of difference provides a motive or rationale for using our power advantage to treat the ethnoracial Other in ways that we would regard as cruel or unjust if applied to members of our own group." While racism can be applied and exercised in various degrees and with wide (but usually negative) results, in general the "racializers" deny that the "racialized" can live in the same society with them, "except perhaps on the basis of domination and subordination," at the same time "reject[ing]...any notion that individuals can obliterate ethnoracial difference by changing their identities."<sup>36</sup>

Did racism factor into the Utah legislature's decisions on slavery? Probably: on the day his opening address was delivered to the legislature, Governor Young wrote in his official history regarding blacks, "They have not wisdom to act like white men." He did not say "they, because of social and circumstantial deficiencies, are not educated enough to make decisions of the same caliber as others," but simply "They *have* not

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<sup>36</sup>George M. Fredrickson, *Racism: A Short History* (Princeton, NJ: Princeton University Press, 2002), 9.

wisdom.”<sup>37</sup> His gubernatorial address earlier that day had also described blacks as “naturally designed to occupy the position of ‘servant of servants.’” These fundamental deficiencies, these essential *differences*, to borrow Fredrickson’s term, justified their political disenfranchisement (voting rights were extended only to free, white males in the territory) as well as their relegation to the lowest position in society. Mormons also exhibited disdain for physical and behavioral characteristics of blacks throughout the early territorial period: an 1855 advice column in the *Deseret News* criticized girls who altered their appearances, saying, “If your hair is straight, don’t put on the curling tongs to make people believe you have negro blood in your veins.” Earlier, during the exodus, Brigham Young had chastised the vanguard company for their apparently irreverent merrymaking:

I have let the brethren dance and fiddle and act the nigger, night after night, to see what they would do...but I don’t love to see it...Here are the Elders of Israel who have got the Priesthood, who have to preach the Gospel, who have to gather the nations of the earth, who have to build up the Kingdom so that the nations can come to it. They will stoop to dance like nigers [*sic*].

Possibly aware of Green Flake, Hark Lay, and Oliver Crosby in the audience, Young quickly clarified, “I don’t mean this as debasing the nigers [*sic*] by any means.” Dancing in such a manner was acceptable for blacks, but not for the “Elders of Israel.”<sup>38</sup>

The legislators were also particularly sensitive to the issue of interracial sex. Though Brigham Young had not specifically advised it in his address to the legislature, an entire clause in the “Act in Relation to Service” addressed the subject:

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<sup>37</sup>“History of Brigham Young,” entry dated 5 Jan. 1852, in Church Historian’s Office Records Collection, LDSCA.

<sup>38</sup>*Deseret News*, 18 Apr. 1855, 10 Jan. 1852; *Journal History of the Church of Jesus Christ of Latter-day Saints*, 29 May 1847.



SEC. 4. That if any master or mistress shall have sexual or carnal intercourse with his or her servant or servants of the African race, he or she shall forfeit all claim to said servant, and if any white person shall be guilty of sexual intercourse with any of the African race, they shall be subject, on conviction thereof to a fine of not exceeding one thousand dollars, nor less than five hundred, to the use of the Territory, and imprisonment not exceeding three years.<sup>39</sup>

An earlier draft of the bill expanded the penalty to disenfranchise offending white males by “disqualif[ying them] from holding any office under the laws of this Territory or from voting at any election.” The drafters of the bill viewed interracial sex as a very serious offense, and took steps towards establishing severe punishments for infractions.<sup>40</sup>

If the Mormons exhibited racism towards blacks, whatever its outcome, it was not because they simply inherited racist traditions from contemporary society. The legislators’ faith in their religion provides a great deal more insight into their choice to legalize slavery. One aspect of the Mormon religion seems to have been especially influential, as discussed in Chapter I: should God will something to change about the world, He would reveal it through His authorized servant, the Mormon prophet. By 1852, acting as such a revelator was one of Brigham Young’s roles. Blacks were viewed as inferior in the United States, that was a fact; and should God will them to be on equal footing with whites, He would both reveal it to Brigham Young and (miraculously, somehow) change societal sentiment towards blacks. Mormons believed that no such

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<sup>39</sup>*Acts*, 81. On white anxiety over sexual unions with blacks, see Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968), ch. 4; Eugene D. Genovese, *Roll Jordan Roll: The World the Slaves Made* (New York: Pantheon Books, 1974), 413-31; and a riveting study on sex between white women and black men by Martha Hodes, *White Women, Black Men: Illicit Sex in the Nineteenth-Century South* (New Haven, CT: Yale University Press, 1997).

<sup>40</sup>“An Act in Relation to Service,” Territorial Legislative Records, Series 3150, Box 1, Folder 55, Utah State Archives, Salt Lake City.

revelation came, leading to a full-fledged adoption of the “Curse of Ham”/ “seed of Canaan” doctrine—that because Ham saw his father, Noah’s, nakedness, his descendants (Canaan and his seed) were required to serve the descendants of Noah’s other sons.<sup>41</sup>

The application of the Curse of Ham has a long and inglorious history; the ancient Jews used it to justify their invasion of the land of Canaan, as well as their practice of slavery. It was not until the fifteenth century that the Muslim and Christian worlds applied the curse to black Africans in trying to explain the origin of their skin color, and justify their enslavement by deferring to God’s will. The Curse explanation as a religious justification for slavery took hold in the New World as religious and generally libertarian Americans strove to reconcile slavery within their egalitarian Christian beliefs. It would be pretty easy to pass off Mormon adoption of the Curse of Ham as simply the inheritance of a long-believed Christian fallacy. When added to the Mormon belief in continuing revelation through prophets, however, the doctrine gained a new validity.<sup>42</sup>

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<sup>41</sup>See *Holy Bible*, Genesis 9: 20-27. I should clarify that the Mormons did not just “adopt” doctrines such as the Curse. They believed themselves the inheritors of all gospel “dispensations”; that is, every single thing that God revealed to man at different periods of time was to be incorporated into the Mormon religion. The Mormons would have believed that they inherited the Curse doctrine directly from God, as with other doctrines like polygamy, tithing, baptism for the dead, etc. New scripture, revealed through Joseph Smith, could have been considered to reinforce the inheritance of old doctrine, as well. In the case of the Curse of Ham, Joseph Smith’s new translation of the Bible identified blackness with the Curse; Smith’s translation of papyri (which he attributed to the biblical patriarch Abraham) identified the ancient Egyptians as inheritors of the Curse, which included denial of the priesthood. Neither Brigham Young nor the legislators cited these new scriptures in defense of slavery, however. See *Joseph Smith’s New Translation of the Bible: A Complete Parallel Comparison of the Inspired Version of the Holy Scriptures and the King James Authorized Version* (Independence, MO: Herald Pub. House, 1970), Genesis 9:30 (p. 68); and the *Pearl of Great Price*, Abraham 1:21-6.

<sup>42</sup>David M. Goldenberg, *The Curse of Ham: Race and Slavery in Early Judaism, Christianity, and Islam* (Princeton, NJ: Princeton University Press, 2003); and Mason I.

Brigham Young applied the Curse of Ham liberally and literally to Utah's blacks in justifying their servile status. He told the legislature on 5 January 1852 that "the seed of Canaan will inevitably carry the curse which was placed upon them, until the same authority which placed it there, shall see proper to have it removed." Likewise, Young counseled the legislators that it was inappropriate to "elevate [the blacks], as some seem disposed, to an equality with those whom Nature and Nature's God has indicated to be their masters, their superiors." In his official history that day, he wrote that

The negro...should serve the seed of Abraham; he should not be a ruler, nor vote for men to rule over me nor my brethren. The Constitution of Deseret is silent upon this, we meant it should be so. The seed of Canaan cannot hold any office, civil or ecclesiastical....The decree of God that Canaan should be a servant of servants unto his brethren (i.e. Shem and Japhet [*sic*]) is in full force. The day will come when the seed of Canaan will be redeemed and have all the blessings their brethren enjoy. Any person that mingles his seed with the seed of Canaan forfeits the right to rule and all the blessings of the Priesthood of God; and unless his blood were spilled and that of his offspring he nor they could not be saved until the posterity of Canaan are redeemed.<sup>43</sup>

Here Brigham Young's beliefs on the Curse of Ham/Canaan are best expressed: the Curse is in full effect, the Curse designates black Africans and their descendants as servants, the Curse denies them the ability to lead or even vote for leaders, the Curse is hereditary (hence the anxiety over interracial sex—who would want to cause their child to inherit a Curse like that?!), and the Curse is not permanent, but will one day be lifted. Less than two weeks later Brigham went so far as to say that "the Devil would like to rule part of the time But I am determin He shall not rule at all and Negros shall not rule us

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Lowance, Jr., ed., *A House Divided: The Antebellum Slavery Debates in America, 1776-1865* (Princeton, NJ: Princeton University Press, 2000), 51, 59.

<sup>43</sup>*Deseret News*, 10 Jan. 1852; and "History of Brigham Young," entry dated 5 Jan. 1852, in Church Historian's Office Records Collection, LDSA.

[sic].” In this later address he expanded the curse to identify black skin with the mark of Cain: “The Lord said I will not kill Cane But I will put a mark upon him and it is seen in the [face?] of every Negro on the Earth And it is the decree of God that that mark shall remain upon the seed of Cane & the Curse untill all the seed of Abel should be re[deem?]ed [sic].”<sup>44</sup>

One of the most important aspects of the Curse of Ham/Cain/Canaan in Mormon belief was that its eventual end remained contingent upon revelation to the appointed prophet; legislative action and abolitionism could do little to change the decree of an Almighty God. In the same issue of the *Deseret News* where Brigham Young’s 5 January 1852 address to the legislature is found (and on the front page, no less!), Eliza R. Snow published a poem titled “The New Year, 1852.” Four stanzas of her poem deal directly with the slavery controversy, and the Mormon view of how it should be addressed:

There is “a fearful looking for”—a vague  
Presentiment of something near at hand—  
A feeling of portentousness, that steals  
Upon the hearts of multitudes, who see  
Disorder reigning through all ranks of life.

Reformers and reforms, now in our own  
United States, clashing tornado-like,  
Are threat’ning dissolution all around.  
Slavery and anti-slavery—what a strife!

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<sup>44</sup>Scott G. Kenney, ed., *Wilford Woodruff’s Journal, 1833-1898, Typescript*, vol. 4 (Midvale, UT: Signature Books, 1983): 97-8. There appears to be some confusion on what date this address was given. Kenney assumes that it was 8 Feb. 1852, since that is what the nearest reference records. Bringhurst (in *Saints, Slaves, and Blacks*, 82, note 119) and Bush (“Mormonism’s Negro Doctrine,” 26), however, give the date as 16 Jan. 1852. The mark of Cain is first mentioned in Genesis 4:15, immediately after Cain slays his brother Abel and expresses to God his fear that any one who found out his crime would seek vengeance: “And the Lord set a mark upon Cain, lest any finding him should kill him.” See also Lowance, *A House Divided*, 51, which briefly discusses the relationship between the mark of Cain and Curse of Ham.

“*Japhet shall dwell within the tents of Shem,  
And Ham shall be his servant,*” long ago  
The Prophet said: ‘tis being now fulfill’d.  
The Curse of the Almighty rests upon  
The color’d race. In His own time—by His  
Own means, not ours, that curse will be remov’d....

Hearken! all ye inhabitants of earth,  
All you philanthropists, who’re struggling to  
Correct the evils of society.  
You’ve neither rule or plummet.  
*Here* are men,  
Cloth’d with the everlasting Priesthood—men  
Full of the Holy Ghost, and authoriz’d  
T’ establish righteousness—to plant the seed  
Of pure religion, and restore again  
A perfect form of government to earth.<sup>45</sup>

Here again is expressed the belief that God had cursed blacks, that they would eventually be redeemed by Him, and that capable, *authorized* priesthood holders would be the ones through whom “perfect government” would be returned to earth. Utah derived peace, even on the divisive slavery issue, from the Mormon belief in continuing revelation—a belief that ordered much of their lives, reinforced the authority of Mormon religious and political leaders, and was even almost written into the law on slavery. Section three of an earlier draft of the “Act in Relation to Service” explained why it was acceptable for slaves to be perpetually kept in slavery in Utah:

[T]he master or mistress, or his, her, or their heirs shall be entitled to the service of the said servant or servants and his, her, or their children, *until the curse of servitude is taken from the descendants of Canaan*, unless forfeited as hereinafter provided, if it shall appear that such servant or servants came into the Territory of their own free will and choice.<sup>46</sup>

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<sup>45</sup>*Deseret News*, 10 Jan. 1852; reprinted in Eliza R. Snow, *Poems, Religious, Historical, and Political* (Liverpool, England: R. James, Printer, 1856), 212-6. Italics in both originals.

<sup>46</sup>“An Act in Relation to Service,” Territorial Legislative Records, Series 3150, Box 1, Folder 55, Utah State Archives, Salt Lake City. Italics mine.

The italicized phrase does not appear in the final version of the slavery bill, indicating that some may have been wary about inserting a religious concept like the Curse of Canaan into legislation that Congress had the power to review and reject. Though the legislators removed the phrase, the belief remained as a prime motivation for legalizing slavery.

An interesting fact remains in that slavery is not called *slavery* in the act, but *service*; likewise, slaves are rendered *servants*. This occurs a number of times in Mormon history: Mormons refuse to call their own slaves by that name, but almost always refer to them as *servants*. John Brown, in his journal, usually referred to his slaves as servants (or “colored men,” or “Negroes”); Brigham Young called slavery “Service” in his opening address to the legislature (although he also referred to its nationwide practice as “slavery”), lauding it as both “necessary” and “honorable.” Monuments in Salt Lake City honoring the 1847 vanguard pioneer company refer to Green Flake, Hark Lay, and Oliver Crosby as “colored servants.”<sup>47</sup> While part of this phenomenon may be attributable to embarrassment over slavery’s practice, it may also reflect the Mormon view of certain religious relationships.

Many in the ancient world used slavery as a metaphor for their relationship to God. “Jews called themselves the slaves of Yahweh,” writes historian David Brion Davis, and “Christians called themselves the slaves of Christ,” because “No other word so well expressed an ultimate in willing devotion and self-sacrifice.”<sup>48</sup> The Mormons,

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<sup>47</sup>Carter, *Negro Pioneer*, 7; Dennis L. Lythgoe, “Negro Slavery in Utah,” *Utah Historical Quarterly* 39 (Winter 1971): 40, 53; *Deseret News*, 10 Jan. 1852.

<sup>48</sup>David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, NY:

however, viewed their relationship to God in a different light. One of the first requirements for baptism into the church, according to the initial organizational laws given by Joseph Smith in 1830, was “a determination to serve [Jesus Christ] to the end.” Those who were appointed to leadership and missionary positions in the church were often referred to as servants, specially empowered with the authority of their Master. “I called you servants for the world’s sake,” Jesus Christ is recorded as saying to Joseph Smith, “and ye are their servants for my sake.” Likewise, “He that receiveth my servants receiveth me.” All members of the church were to act in this relationship as servants, even though, in the words of a *Book of Mormon* prophet-king, “If ye should serve [God] with all your whole souls yet ye would be unprofitable servants.”<sup>49</sup>

It is possible that the presence of slaves in Mormon society—styled as “servants”—illustrated perfectly the ideal Mormon relationship with God. Servants who perfectly executed their masters’ will, who obeyed without grumbling, who bore with patience their afflictions, who wore out their lives in pursuit of goals which a powerful overseer dictated, provided the ultimate visualizations of faithful service to Deity. When Brigham Young addressed the legislature on 5 January 1852, he emphasized that “Restrictions of law and government,” and, it could be added here, religion, “make all servants.” The concept of a servant was acceptable for Brigham Young; even white people were political or religious servants. But slavery held no metaphorical meaning for the kinds of

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Cornell University Press, 1966), 90.

<sup>49</sup>*Doctrine and Covenants* 20:37; 93:46; 84:36; see also 1:6; and the *Book of Mormon*, Mosiah 2:21.

relationships Mormons desired.<sup>50</sup>

In fact, slavery seems to have been reserved conceptually as Mormon symbolism for vice, sin, and heathenish qualities, although Mormons also used the language of slavery to describe oppressive political relationships. “There is no slavery so complete as that of the opium-taker,” proclaimed one issue of the *Deseret News*; another asserted that, “Next to the slavery of intemperance there is no slavery on earth more galling than that of poverty and indebtedness.” Possibly considering that the Mormon practice of slavery was intended to be governed by moral law, the *News* (quoting a Maine newspaper) went on to argue that “The man who is everybody’s debtor is everybody’s slave, and in a much worse condition than he who serves a single master.” Sin in general was slavery, according to Willard Richards: “to men who do wrong, there can be no freedom; they are bound by the power of the devil, and the more perfect the law under which they live, the greater their bondage.” Additionally, one Mormon poet described an ignorance of Mormonism as slavery:

And let the MORMONS swell the sound,  
The chorus of the free;  
For Heaven and earth shall all resound,  
With songs of LIBERTY....

Though other nations still are chained  
In superstition’s tyranny [*sic*];  
Soon may they see what we have gained,  
And break their fetters and be free.<sup>51</sup>

The rhetoric and symbolism of slavery was reserved for negative relationships of power or vice. Service better fit the Mormon view of a proper relationship to God, and a proper

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<sup>50</sup>*Deseret News*, 10 Jan. 1852.

<sup>51</sup>*Ibid.*, 7 Jan. 1857; 23 Jul. 1856; 27 Jul. 1850; and 10 Jul. 1852.



relationship of the black man to the white man, especially considering the Biblical injunction that Canaan's seed should act in the role of "servant of servants." Perhaps this, then, is part of why the name of the act was changed from its original title, "An Act in Relation to African Slavery," to "An Act in Relation to Service."<sup>52</sup>

The Mormon practice of their religion seems to serve as a better explanatory device (than just racism) for why they would legalize slavery and shift to the other side of the middle ground from Joseph Smith's 1844 presidential platform. Still, provisions of the Utah slavery act indicate that the Mormons intended it to do more than simply perpetuate religiously-sanctioned relationships of servitude—their legislation was to create a better life for blacks than they could achieve in other slaveholding regions of the United States.

#### MORMON PATERNALISM & REPRESSIVE REDEMPTION

Yet another motivation for legalizing slavery can be found in Brigham Young's 16 January 1852 address to the legislature. "I am opposed to the present system of slavery," he said. "The Negro Should serve the seed of Abram but it should be done

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<sup>52</sup>It appears that the name was changed at Brigham Young's behest, though without a clear indication why. Bringhurst cites a speech that Young supposedly delivered to the legislature on 23 Jan. 1852, the day the act was first reported. In the speech Young says, "The Caption of the Bill I don't like, I have therefore taken the liberty to alter it. I have said 'an act in relation to manual service' instead of Affrican [*sic*] Slavery." See Newell G. Bringhurst, "Mormons and Slavery: A Closer Look," *Pacific Historical Review* 50 (Aug. 1981): 336, n. 39. If this is true, it suggests not only Brigham Young's sensitivity over the language of the bill, but also his unprecedented involvement in the legislation being produced by the council and house (altering the title *on the day it was reported* and also sent back to the drafting committee for revision!). He apparently concurred with the legislature's further alteration of the title to simply "An Act in Relation to Service;" many slaves were female domestics, not just manual laborers.

right. Dont [*sic*] abuse the Negro and treat him Cruel.” Young wanted a new, more beneficent relationship of servitude to be enforced; one that recognized the humanity of blacks, while still reinforcing their biblically-derived servile status.<sup>53</sup> This quasi-humanitarianism, a desire to overcome the abuses of slavery by redefining the relationship and regulating the institution, proved to be another motivating factor in the legislature’s vote. The three provisions in the “Act in Relation to Service” that prescribed proper treatment of slaves clearly defined the care masters should exercise.

SEC. 5. It shall be the duty of masters or mistresses, to provide for his, or their servants comfortable habitations, clothing, bedding, sufficient food, and recreation. And it shall be the duty of the servant in return therefore, to labor faithfully all reasonable hours, and do such service with fidelity as may be required by his, or her master or mistress.

SEC. 6. It shall be the duty of the master to correct and punish his servant in a reasonable manner when it may be necessary, being guided by prudence and humanity, and if he shall be guilty of cruelty or abuse, or neglect to feed, clothe, or shelter his servants in a proper manner, the Probate Court may declare the contract between master and servant or servants void, according to the provisions of the fourth section of this act....

SEC. 9. It shall further be the duty of all masters or mistresses, to send their servant or servants to school, not less than eighteen months between the ages of six years and twenty years.

Masters were legally required to provide schooling, comfortable lodgings, recreation, and adequate food for their slaves, with offenses punishable by the territorial Probate Courts. Other provisions required, interestingly, that the slaves’ will should be taken into consideration in slave sales and emigration to and from the territory: Section three said that masters were “entitled lawfully to the service of [their] servant or servants” only “if it shall appear that such servant or servants came into the Territory of their own free will and choice.” Section seven, which regulated slave sales, provided that “no transfer shall be made without the consent of the servant given to the Probate Judge.” Section eight

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<sup>53</sup>Kenney, *Wilford Woodruff’s Journal*, 4:98.

imposed a hefty fine (up to five thousand dollars) and imprisonment (up to five years) for any person found guilty of violating the slave sale provisions, or “taking [a servant] out of the Territory contrary to his or her will.”<sup>54</sup>

The idea that Christian slaveholders should treat slaves with respect was hardly new—slaveholders had, since the early Christian era, looked to the counsel of Paul to the Ephesians, “Masters, do the same things [as your servants] unto them, forbearing threatening: knowing that your Master also is in heaven; neither is there respect of persons with him.” Slaveholders in antebellum America generally used this chapter (and especially the injunction in previous verses that servants should render faithful service) as New Testament approval of slavery, validating an ideal that has come to be known as “paternalism.” Masters should treat their slaves with kindness and care, and in return, slaves should execute dutiful service. “Masters,” one Baptist minister counseled, “give unto your servants that which is ‘just and equal,’ and forget not that there is a tribunal before which master and servant must stand, when all earthly distinctions will have ceased forever.” In a sense the Utah slavery act’s provisions seem to follow this voluntary paternalist tradition—section five defines the paternalistic relationship in terms that most Southerners would not oppose. Brigham Young had expressed, too, in his 5 January 1852 address that changing the face of slavery should be motivated by “the benevolence of the human heart;” in other words, it was primarily left to the slaveholders to regulate themselves in treating their slaves appropriately. Young was confident that they would; in a letter to church members worldwide in October 1852, he informed them that “The laws of the last legislature are published, though there seems to be but little use

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<sup>54</sup>*Acts*, 81-2.

for them, for the people generally are disposed to do right.”<sup>55</sup>

In a similar vein, Utah humanitarianism seems to have followed closely the popular defense of slavery as redemptive in nature. No Mormon could purchase a slave (either Indian or African-American), Brigham Young asserted, “without their becoming as free, so far as natural rights are concerned, as persons of any other color.” He went on:

Many a life by this means is saved; many a child redeemed from the thralldom of savage barbarity, and placed upon an equal footing with the more favored portions of the human race....This may be said to present a new feature in the traffic of human beings; it is essentially purchasing them into freedom, instead of slavery...[here] they could find that consideration pertaining not only to civilized, but humane and benevolent society.

Slavery could be a positive good, Brigham Young asserted, especially if his people approached it with redemption in mind, striving to create a better quality of life than achievable in the South (or even in their native lands) for those destined to be slaves. “Thus will a people be redeemed from servile bondage both mental and physical,” Young continued, “and placed upon a platform upon which they can build; and extend forth as far as their capability and natural rights will permit.” Redemption had a limit, however. Although it was wrong to treat slaves “as beasts of the field, regarding not the humanity which attaches to the colored race,” it was also improper to “elevate them, as some seem disposed, to an equality with those whom Nature and Nature’s God has indicated to be

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<sup>55</sup>*Holy Bible*, Ephesians 6:4-9; Davis, *Western Culture*, 85-6; Genovese, *Roll, Jordan, Roll*, 3-7 and passim; Rev. A.T. Holmes, “The Duties of Christian Masters,” excerpted in Paul Finkelman, ed., *Defending Slavery: Proslavery Thought in the Old South* (Boston: Bedford/St. Martin’s, 2003), 100; *Deseret News*, 10 Jan. 1852; and Clark, *Messages of the First Presidency*, 2:103. For more on paternalism see Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Ante-Bellum South* (New York: Alfred A. Knopf, Inc., 1956), 322-330; and William W. Freehling, *The Road to Disunion, vol. 1: Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990), chs. 4 and 5.

their masters, their superiors.”<sup>56</sup>

Many Southerners viewed slavery in the same light, and defended its practice by lauding the positive differences it supposedly made in the lives of Africans. “[B]y means of this institution, the knowledge of God and his religion has been brought home, with practical effect, to a greater number of heathens than by all the combined missionary efforts of the Christian world,” wrote one defender. He concluded that slavery was actually the best thing that could happen to a black person: “a state of bondage, so far from doing violence to the law of his nature, develops and perfects it; and...in that state, he enjoys the greatest amount of happiness.” Another defender poetically proclaimed, “In this new home, whate’er the negro’s fate— / More bless’d his life than in his native state!”<sup>57</sup>

Here is also exposed, however, the fundamental difference between Southern redemptive slavery and what Brigham Young intended to be accomplished with Utah’s legislation: Southerners deplored the barbarity of primitive life in Africa; the Mormons deplored the cruelties of Southern slavery. If the South sought to defend slavery by its redemption of uncivilized Africans, the Utah Mormons intended that it redeem them further from the barbarity imposed on them by chattel slavery.

#### SOUTHERN ALLIANCE & SOUTHERN EXCLUSION

This conflicts with the assertion one historian in particular made that the

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<sup>56</sup>*Deseret News*, 10 Jan. 1852.

<sup>57</sup>Thomas R.R. Cobb, “What is Slavery, and Its Foundation in the Natural Law”; and William J. Grayson, “The Hireling and the Slave,” both excerpted in Finkelman, *Defending Slavery*, 155-6, 177.

legislature legalized slavery in an attempt to align with the South and gain support for statehood. If the form of slavery that the legislature sanctioned bore little resemblance to the Southern institution, that hardly seems like an invitation for brotherhood. It could be mused that all Southerners needed was an open door, the possibility that plantation slavery could be extended—Utah’s law certainly provided more hope than most Northerners were willing to give the South. But nothing indicates that Utah’s legislature *intended* to extend the hand of fellowship to the South.

Several years later, some Utah Mormons did find common ground with Southerners in the defense of sovereignty. In 1857, Albert Carrington, then the editor of the *Deseret News*, criticized Northern states for meddling with slavery: “no State nor Territory...ha[s] the least shadow of just right to dictatorially interfere with the internal policy and domestic practices and Institutions of another State or Territory.” In 1851, a writer to the *News* argued that if slavery was supported and protected by the constitution, so should all perspectives, religions, and different points of view. Both Carrington and “Homer,” in addition to others who spoke out on sovereignty, identified with the South only in asserting that Utah should also have power over its domestic institutions, specifically polygamy. Any other attempts to identify Utah with the South, socially and politically, fall short.<sup>58</sup>

Equally impossible to substantiate are assertions that Utah’s slave code was

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<sup>58</sup>*Deseret News*, 4 Feb. 1857 and 19 April 1851. In this paragraph and the following one I argue specifically against Bringhurst, who asserts first that Brigham Young wanted to court Southern congressional favor, and then that he wanted to discourage slaveholding in general. See *Saints, Slaves, and Blacks*, 68, 70. Sarah Barringer Gordon takes a similar stance to mine in *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2002), ch. 2.

intended to *prevent* southerners from migrating to Utah. Far from it: in 1851, Orson Hyde wrote an article acknowledging the practice of slavery among the Utah Mormons, and clarifying that, “when a man in the Southern States embraces our faith, and is the owner of slaves, the church says to him, if your slaves wish to remain with you, and to go with you, put them not away.” Otherwise, converts were to sell or free their slaves according to their own consciences. This same principle seems to have been on Brigham Young’s mind during the 1851-2 legislature: “many Bre. [brethren] in the South” having “a great amount” invested in their slaves, might potentially migrate to Utah with legislation protecting their slave property, he noted.<sup>59</sup>

Additionally, Brigham Young tried to keep Southerners’ slaves in Utah. When William Crosby, Daniel Thomas, and William Lay joined a party with a number of other slaveholders headed to a Mormon settlement in California, Young cautioned Crosby about taking many slaves there, since California law forbade slavery. Any slaves taken there would be free, and could leave their masters’ service. Robert Smith’s slaves led the way in suing for their freedom in California, and no record remains of any slaves returning with the company after they left California for Salt Lake again.<sup>60</sup>

Shortly after the 1851-2 legislative session, Brigham Young wrote a letter to John M. Bernhisel informing him of plans to explore Southern Utah to find land suitable for raising sugar cane and cotton. “[T]he cotton is the most important to us,” Young told the delegate, “as the sugar can be produced from beets as the experience of the past season,

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<sup>59</sup>*Latter-day Saints Millennial Star* (Liverpool, England) vol. 13, no. 4 (15 Feb. 1851): 63; “Speech by Gov. Young in Counsel on a Bill relating to the Affrican Slavery,” 23 Jan. 1852, cited in Bringhurst, *Saints, Slaves, and Blacks*, 68.

<sup>60</sup>Parrish, “The Mississippi Saints,” 505-6.

although but partially made, yet sufficiently demonstrate[d].” While Young sought cotton production for local consumption, and not for export, the presence of blacks who were familiar with culturing cotton and caring for it could provide an invaluable benefit to Utah. It does not appear that Young specifically sought to use all Utah’s blacks in the cotton mission, although “Dixie,” as southwestern Utah is still known today, saw a number of black slaves arrive during the early 1860s.<sup>61</sup>

The evidence indicates that the legislature sought neither Southern support nor to prevent Southern members from emigrating with their slaves. While the legislature’s limitations on slaveholders’ power could have provided a disincentive to non-Mormon southern migration, there is no evidence that Utah’s legislators intended the law to have that effect.

#### THE PRESENCE OF INDIAN SLAVERY

The comparison of Indian and black slavery in Utah may shed light on another motivation for the Utah legislature to legalize slavery. Historian James F. Brooks recently noted that Indian slavery in the Southwest borderlands was a dynamic institution based on long-held traditions in both Native and Euramerican cultures. “Struggling to preserve and protect the integrity of their power within families and communities,” Brooks argued, “men from both sides of the Atlantic negotiated interdependency and maintained honor by acknowledging the exchangeability of their women and children.” Slavery bound Native society to Euramerican society in patterns of cultural interchange,

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<sup>61</sup>Brigham Young to John M. Bernhisel, 28 Feb. 1852, in “History of Brigham Young,” Church Historian’s office records, History of the Church collection, LDS Church Archives, entry dated 28 Feb. 1852; and Carter, *Negro Pioneer*, 65.



dominance, assimilation, and kinship that created an amalgamated society whose dynamic relationships persist in modern times. When the borderlands came under the control of the United States, however, American politics and society clashed with the old system of slavery and kinship and changed it into an unrecognizable form. The presence of black chattel slaves in a society where slavery had been complex structurally and culturally changed both institutions significantly.<sup>62</sup>

Indian slavery presented a problem for the Mormons in addition to African-American slavery. The contemporary trial of Don Pedro Leon Lujon, a Mexican trader of Indian slaves, was the first thing Brigham Young mentioned before launching into his feelings regarding general slavery on 5 January 1852. Young did not differentiate which version of servitude, Indian or African-American, should be more ameliorative in Utah; rather, both races could find their lives bettered by being purchased into Mormon homes. While blacks could be redeemed from the chattel bondage of the South, Indians could be redeemed from “the low, servile drudgery of Mexican slavery.” Indeed, with the Indians, “under the[ir] present low and degraded situation...so long as the practice of gambling away, selling, and otherwise disposing of their children; as also sacrificing prisoners obtains among them, it seems indeed that any transfer would be to them a relief and a benefit.”<sup>63</sup>

During the 1851-2 session the legislature also passed “A Preamble and an Act for

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<sup>62</sup>James F. Brooks, *Captives and Cousins: Slavery, Kinship, and Community in the Southwest Borderlands* (Chapel Hill: University of North Carolina Press, 2002), 31, 40, and 306ff.

<sup>63</sup>*Deseret News*, 10 Jan. 1852. On the slave traders, and on Utah Indian slavery in general, see Sondra Jones, *The Trial of Don Pedro Leon Lujan: The Attack against Indian Slavery and Mexican Traders In Utah* (Salt Lake City: University of Utah Press, 2000).

the Further Relief of Indian Slaves and Prisoners.” While some provisions are marginally similar to the African-American slavery act, especially in requiring schooling and enforcing the acts through the Probate Courts, the humanitarian purposes of the acts seem most alike. The Indian slavery act’s preamble states that its purpose is to “ameliorate [the Indians’] condition” based on Utahns’ “duty towards them” and “the common principles of Humanity,” ultimately “preserv[ing] their lives, and their liberties, and redeem[ing] them from” what was seen as “a worse than African bondage.” This last phrase merely recognized the general state of chattel slavery, not necessarily condoning it.

Differences between the acts are also significant, indicating that the two forms of slavery were fundamentally different in the Mormon view, though their ameliorative effects should be similar. For example, the African-American slavery act was initially rejected because it lacked a preamble; yet it was eventually passed without one. It is possible that the drafting committee did not have time to draft a suitable preamble since the law was passed just less than two weeks after it was first introduced; it is also possible that they could not come up with a suitable preamble that reconciled the differences between the slave systems. Indian slaves purchased by Mormons were essentially indentured to the Mormon family until they reached maturity; African-Americans were held in bondage perpetually and through heredity. The difference in duration of bondage is probably best explained by the fact that the Mormons believed (and still believe) Native Americans to be descended from a tribe of Israel, and thus a “chosen” people. The Mormons also believed that, unlike blacks under the Curse of Ham, the church was to take a special role in restoring the Indians to their rightful place of prominence in relation to God. Thus, while having similar redemptive motifs, Indian

and African-American slavery in Utah were based on fundamentally unrelated redemptive time frames.<sup>64</sup>

#### CONCLUSION: ONE RELIC CODIFIED

“The most agreeable concord existed between the Assembly and myself,” Brigham Young reflected after the close of the 1851-2 Utah Territorial legislature. “I gave the bills they passed a careful and attentive perusal and approved of them all....[I]t is questionable whether any of our sister Territories had a code of laws on their statute books...that would have compared favorably with those enacted during this,—our first session.” Willard Richards’ assessment of the legislative process was less laudatory, although still positive. At the end of January 1852, he wrote to Thomas Kane that the legislature was “doing what they can,” although he lamented that “it is hard to mix oil and water, so as to form a perfect equilibrium of the whole mass.”<sup>65</sup> This suggests that, although opposition and dissent within the legislature were not prevalent, it was difficult to meld the different perspectives into cohesive and comprehensive legislation, which included the African-American slavery bill. The legislators strove for unity in all their labors, striving to reconcile their varied upbringings and attitudes with counsel from the governor, their prophet.

Brigham Young celebrated that unity at the end of the 1851-2 legislature, and also

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<sup>64</sup>“A Preamble and an Act for the Further Relief of Indian Slaves and Prisoners,” in *Acts*, 91-4.

<sup>65</sup>“History of Brigham Young,” entry dated 6 Mar. 1852, in Church Historian’s Office Records Collection, LDSCA; and Willard Richards to Col. Thomas Kane, 29 Jan. 1852, Willard Richards Papers, LDSCA.

at the beginning of a joint session during the next legislature, which opened in December 1852. Governor Young mentioned slavery once again, and the eastern struggle over the status of blacks. "Happily for Utah," he said, "this question has been wisely left open for the decision of her citizens, and the law of the last session, so far proves a very salutary measure, as it has nearly freed the Territory of the colored population; also enabling the people to control, all who see proper to remain, and cast their lot among us."<sup>66</sup> Although it was Mormons heading to California that had "nearly freed" Utah of its reported black population (and that against Brigham Young's advisement, discussed above), the rest of Young's statement summarizes some of the motivations discussed throughout this chapter. Blacks occupied a servile status and should be "controlled," based on the Curse of Ham/Canaan/Cain, which had not yet been removed by a decree of God. Should God will the status of blacks to change, He would reveal it through the Mormon prophet.

At the same time, slavery should be ameliorative in nature: slaves should only be forced to stay if they "saw proper to remain" in Utah, "casting their lot" among the Mormons. This not only made it acceptable to the legislators on religious and humanitarian terms, but mirrored the relationships the legislators sought to build with their God. Slaves who "chose" to be in bondage were much like those Mormons who elected to "serve" God through their membership in the church. Still, the tension in this elective bondage was powerful for African Americans in Utah. The choice could be

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<sup>66</sup>*Journals of the House of Representatives, Council, and Joint Sessions of the Second Annual and Special Sessions of the Legislative Assembly of the Territory of Utah : Held at Great Salt Lake City, 1852 and 1853* (Great Salt Lake City: Brigham H. Young, 1853), 132. For similar western-American sentiments on the exclusion of both free and slave blacks, see Eugene H. Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana: University of Illinois Press, 1967).

made only once; after a slave “cast their lot” with the Mormons, there was no reneging. The few slaves who tried to flee contributed to the need for a law that both recognized slavery’s legitimacy and prevented slaveowners from treating their slaves in a manner that impelled them to leave their just station.

The Utah legislature saw slavery as legitimate primarily because their vision of its practice in Utah meshed with their religion. They did not view the issue in terms of appeals to southern government or opposing emigration of Southerners, but applied it to the principle of gathering Mormon converts. Slavery could be an ameliorative institution that contributed to building the kingdom of God on earth, also redeeming the oppressed but inferior African American. But what would happen when word of slavery’s legalization reached the East? The legislation that had formed Utah Territory required that all laws be submitted to Congress for approval. It could be only a matter of time before the committees that reviewed Utah’s laws announced the territory’s sanction of slavery. Northerners would cry “slave power”—Southern domination of politics, institutions, and the entire country. Southerners would clamor for Utah statehood to throw the Senatorial balance of power in their favor. Supporters of slavery would rush into the territory to reinforce their interests’ representation; a “Bleeding Utah” would ensue as they competed with Northerners who rushed to the territory to overthrow Utah’s pro-slavery laws. The tense peace that had followed the Compromise of 1850 would be shattered, and civil war ushered in.

At least, that is what *could* have happened. As will be seen in Chapter IV, other matters, especially the Mormon announcement of polygamy, drew attention away from Utah’s practice of slavery and unified Congress in opposition to Utah. Not until the

Kansas-Nebraska Act of 1854 did popular sovereignty become identified with pro-slavery, despite the peculiar institution's practice in Utah from 1847 onward.<sup>67</sup>

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<sup>67</sup>See David M. Potter, *The Impending Crisis, 1848-1861* (New York: Harper & Row, Publishers, 1976), 171-6. Of the Kansas-Nebraska Act he writes, "It infected the doctrine of popular sovereignty with a fatal proslavery taint."

## CHAPTER IV

### THE PROMINENCE OF POLYGAMY: UTAH, SOVEREIGNTY, AND WASHINGTON POLITICS, 1852-1856

*The publication of the [polygamy doctrine]...will cause a tremendous sensation, not only throughout the United States, but throughout all Christendom....I know and dread the scenes through which I shall have to pass the coming winter.*

—John M. Bernhisel, 8 November 1852

*Resolved: That the Constitution confers upon Congress sovereign powers over the Territories of the United States for their government; and that in the exercise of this power, it is both the right and the imperative duty of Congress to prohibit in the Territories those twin relics of barbarism: Polygamy, and Slavery.*

—Republican Party Platform, 17 July 1856.

*If the Mormons had adhered to the principles which they once professed, they would have the sympathy of the whole civilized world, but they seem to have adopted most of the abominable vices of the ancients and half civilized nations....I can well remember when the Mormons were opposed to slavery—and when you would have shunned them as an abomination, if they had preached the doctrine of polygamy....Calling the[se] by good names, and making them a part of religion, will not prevent the ruinous consequences.*

—Perrin Bliss, Illinois farmer, 10 May 1858

One of the most educated men in early Mormonism was Orson Pratt, younger brother of the famous Mormon missionary Parley P. Pratt. Although primarily self-taught, Orson gained early experience in mathematics, surveying, and astronomy, and often lectured the early Mormons on a wide variety of scientific subjects. Joseph Smith selected Orson and his brother as two of the first apostles in Mormonism. Sadly, Smith excommunicated Orson Pratt on 20 August 1842, believing him to be in correspondence with enemies of the Mormons, also finding him opposed to certain church doctrines.

Pratt struggled to accept polygamy, which in 1842 remained a closely-guarded secret of Mormon leadership. However, after much soul-searching culminating in an acceptance of polygamy (and regaining Smith's confidence by exposing a plot against the Mormon prophet), Pratt was rebaptized on 20 January 1843 and restored to his leadership role as an apostle.<sup>1</sup>

A decade later, church leadership chose Pratt to announce to the world the Mormon practice of polygamy. The occasion was a special general church conference, held a month earlier than usual and with the express purpose of calling a large number of missionaries to spread the message of Mormonism across the globe.<sup>2</sup> The first day of the conference had been spent assigning missionaries their specific fields of labor and instructing them in various church doctrines. The second morning, Orson Pratt rose to address the congregation, and commenced speaking on polygamy. His education and preaching responsibilities as an apostle had shaped him into quite the captivating speaker, so the choice of Pratt to announce polygamy seemed natural, if the subject did not. "It is quite unexpected to me brethren and sisters," Pratt opened his address, "to be called upon

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<sup>1</sup>As examples of the many scientific disciplines in which Pratt was knowledgeable, consider this list of subjects he proposed to teach in an adult night school in 1855: "Natural Philosophy, Electricity and Electric Magnetism, Chemistry, Astronomy, including the use of the Sextant and Reflecting Circle, Algebra, Surveying, Analytical and Celestial Mechanics, [and] Differential and Integral Calculus." *Deseret News* (Salt Lake City), 28 Dec. 1854. On Pratt's excommunication and rebaptism, see Joseph Smith, Jr., *History of the Church of Jesus Christ of Latter-day Saints*, vol. 5, ed. Brigham H. Roberts (Salt Lake City: Deseret Book Company, 1980), 139, 250-6; and Gary J. Bergara, *Conflict in the Quorum: Orson Pratt, Brigham Young, Joseph Smith* (Salt Lake City: Signature Books, 2002).

<sup>2</sup>*Deseret News Extra*, 14 Sept. 1852, reporting the conference of 28-29 Aug. 1852. For more background on the announcement of polygamy, see David J. Whittaker, "The Bone in the Throat: Orson Pratt and the Public Announcement of Plural Marriage," *Western Historical Quarterly* 18 (Jul. 1987): 293-314.



to address you this forenoon.” He told the congregation, in number approximately 3,000, that he had no advance notice of the assignment, although his organized remarks would indicate otherwise. He felt it “more so [unexpected], to address” the saints regarding “a plurality of wives,” considering it “new ground” for preaching. While Mormons and their enemies had been aware of plural marriage for a number of years, never had the church publicly preached the doctrine.

Not only did Pratt announce the doctrine, but he spent the better part of two hours contextualizing polygamy within other Mormon beliefs: the eternal nature of spirits, a pre-mortal life, the degeneracy of the contemporary world, and requirements for exaltation, to name a few. After a two-hour break following “Professor” Pratt’s speech, Brigham Young rose to the pulpit and added his stamp of authority to Pratt’s remarks on polygamy. “Though that doctrine has not been preached by the [elders], this people have believed in it for many years,” the Mormon prophet declared. Furthermore, he added, “I am now ready to proclaim it.” With that, Brigham Young had Thomas Bullock, his secretary, read the revelation that Joseph Smith had recorded in 1843 explaining and sanctioning plural marriage. The massive missionary force called the day before had a new doctrine to disseminate.

Following this conference, which took place on 28-29 August 1852, Utah’s relationship with the federal government would forever be changed. Polygamy would dominate almost all discussions of Utah among Washington politicians, adding to growing fears of Mormon theocratic domination of the Great Basin. Though Utah had legalized African-American slavery only months earlier, and though Congress had access to several sources of information that revealed the practice of slavery in Utah, “female

slavery” (as some termed polygamy) became the identifying oddity of Mormonism—the only “peculiar institution” most believed to exist in the territory. This impacted antebellum politics immensely, delaying for several years the downward spiral that culminated in civil war. The Kansas-Nebraska debates resurrected slavery’s expansion as an issue, however, and became the beginning of the end of sectional harmony.

#### INFORMATION, PLEASE

By the time that the Thirty-second Congress opened its second session in December 1852—the session that John M. Bernhisel dreaded following the public announcement of polygamy—Washington politicians had access to several sources of information regarding slavery’s practice in Utah. Orson Hyde, an Apostle who edited the *Frontier Guardian* in Kanesville, Iowa, published an article in late 1850 on “Slavery Among the Saints.” The *Latter-day Saints’ Millennial Star* reprinted the article the following February in Liverpool, England. Hyde openly acknowledged that “There are several men in the Valley of the Salt Lake from the Southern States, who have their slaves with them.” As of Hyde’s writing, no laws sanctioning or limiting slavery had yet been passed in Utah, nor did any slaves seem to be anything but “perfectly contented and satisfied.” Hyde then explained the general policy the church practiced in relation to slaveholding converts and their slaves:

When a man in the Southern States embraces our faith, and is the owner of slaves, the church says to him, if your slaves wish to remain with you, put them not away; but if they choose to leave you, or are not satisfied to remain with you, it is for you to sell them, or to let them go free, as your own conscience may direct you....Wisdom and prudence dictate to us this position, and we trust that our position will henceforth be understood.<sup>3</sup>

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<sup>3</sup>*The Latter-Day Saints’ Millennial Star* (Liverpool, England), vol. 13, no. 4 (15

The *Guardian*'s limited circulation among non-Mormon audiences probably prevented the announcement's spread among eastern populations, however. No one in Congress referred to it in 1851 or afterward.

The 1850 Utah Census, which was completed in mid-1851, could have also tipped off eastern politicians, if not for some carefully inserted language. The census, administered by Brigham Young, reported twenty-six black slaves in Utah, and twenty-four free blacks. Had Brigham Young and his census agents completely disregarded John M. Bernhisel's earlier plea that no slaves be reported in the territory? Not really—the census also reported those twenty-six slaves as “on their way to California,” a state that prohibited slavery. The report said, in effect, that all blacks in Utah were free or *soon to be free*. While this was untrue, it could have alleviated the slavery extension fears of antislavery advocates, reinforcing their cautious acceptance of the Compromise of 1850 and the tense peace that followed.<sup>4</sup> At the same time, no one in the East *expected* there to be slaves in Utah, so no one waited with bated breath for the census results.

No one seems to have been waiting anxiously for Utah's laws to arrive in Washington during the Thirty-second Congress, either. The Compromise of 1850 had provided that Congress would review all of the territory's legislation and that its laws

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Feb. 1851): 63.

<sup>4</sup>*Statistical View of the U.S. and Compendium of the Seventh Census 1850*, cited in Newell G. Bringham, *Saints, Slaves, and Blacks: The Changing Place of Black People Within Mormonism* (Westport, CT: Greenwood Press, 1981), 225. Reporting the slaves as en route to California may have had several motivations. First, perhaps Mormon leadership followed Bernhisel's suggestion and were sensitive to national politics (which I believe unlikely, as I discussed in Chapter III). Second, perhaps they believed those slaves really were soon to depart for California, though Brigham Young had counseled against taking many slaves further West (also discussed in Chapter III). There are no clear indicators either way.

would be in effect only if approved at the national level. When the speaker of the House laid before his colleagues Utah's legislative journal and laws for the 1851-2 session, the House received them with little fanfare and referred them immediately to the House Committee on Territories. In the Senate, Utah's legislative journals were introduced on 7 December 1852, prior to the organization of that session's committees, and the Senate took no action until two months later. On 3 February 1853 the president *pro tempore* referred Utah's laws to the Senate Committee on the Judiciary for review.<sup>5</sup>

It should have been only a matter of time before Pandora's Box was opened again—Utah's journals and laws legalized African-American servitude, something that many congressmen had insisted in 1850 would never happen. Yet neither the House Committee on Territories nor the Senate Judiciary Committee reported back to the Senate with disapproval of Utah laws, nor did either recognize that one of those laws sanctioned slavery. When John M. Bernhisel wrote to his leaders in Utah in late spring regarding his activities in Washington, he told them that “The Sub-Committee to whom was referred by the Committee on Territories, the Statutes of Utah, made quite a favorable report, stating that the criminal code was better than that of any of the States.” No mention of Utah and slavery.<sup>6</sup>

Several possible explanations may account for this: first, the change in the slavery act's name. Utah's legislative journals mentioned “An Act in Relation to African Slavery” only once by name; its final version passed as “An Act in Relation to Service.” The congressmen on both committees, in striving to complete their review of Utah's laws

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<sup>5</sup>*House Journal*, 32<sup>nd</sup> Cong., 2<sup>nd</sup> sess., 93-4; and *Senate Journal*, 32<sup>nd</sup> Cong., 2<sup>nd</sup> sess., 26, 159.

<sup>6</sup>*Deseret News*, 14 May 1853.

and return to their own legislative agendas, may have simply glossed over the title. “Service” could have meant anything—military service, doing good to one’s neighbor, worship services—had the name read “Servitude” or “Slavery,” however, it might have attracted more attention. Additionally, the provision that allowed for “servants” to choose whether or not to emigrate to the territory may have been misleading for congressmen.<sup>7</sup> Still, not one Senator or Representative mentioned slavery or service after examining Utah’s legislation.

This suggests that both committees were simply not looking for slavery legislation in Utah’s laws. It is possible that constraints of time and awaiting legislation prevented both committees from examining Utah’s laws and journals with a fine-toothed comb. The second session—the “short” session—of the Thirty-second Congress, during which Utah’s laws were to be reviewed, ended just four weeks after the Senate Committee on the Judiciary received Utah’s laws. With less than a month to review Utah’s laws, deal with any other legislation awaiting review and reporting, participate in their other committees’ responsibilities, and engage in debates on the Senate floor on issues ranging from tariff restrictions to railroad expansion, it seems reasonable to assume that the Senate committee had little time to spare for Utah. The House Committee on Territories did have a month longer to peruse Utah’s laws, but faced a

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<sup>7</sup>The name change and the 1850 census figures could indicate that Brigham Young was, indeed, sensitive to the national effects of Utah’s slavery. However, with little other evidence to indicate he cared at all about national politics, and a lot of evidence pointing to Young’s disdain for the national government, this seems unlikely to me. See especially Gwynn W. Barrett, “John M. Bernhisel: Mormon Elder in Congress,” (Ph.D. dissertation, Brigham Young University, 1968), 95-6, 101-2, 111. It is also possible that the legislators themselves eventually became sensitive to the name issue, for they further altered the name of the act after Brigham suggested “Manual Service” instead of “African Slavery.” Little else corroborates this supposition, however.

similarly busy legislative agenda. And, in addition to the busy agenda of both committees, another explanation offers more perspective. It appears to have been extremely consequential that Congress reviewed Utah's laws in tandem with the eruption in Washington of news about polygamy. If the committee members did not look for laws relating to slavery, it was probably because they looked for laws defending polygamy.

#### THE APOSTLE AND THE *SEER*

Interestingly, Orson Pratt's role in making polygamy prominent did not end that fateful day in August 1852, when he announced the doctrine to the world. As Utah's laws traveled eastward toward Washington, so did Pratt, called on a mission to the nation's capitol. Pratt arrived in the District of Columbia on 12 December 1852 and commenced preaching ten days later, speaking one evening during the week and three times on Sundays. Pratt originally kept to the traditional subjects of Mormon missionary preaching, like the Book of Mormon, modern prophets, and the apostasy of the primitive Christian church. On the third Sunday he preached, however, probably in early January, Pratt took off his proverbial boxing gloves. "On the evening of the third Sabbath, brother Pratt preached the doctrine of Celestial Marriage &c., fully and plainly, and in all its various ramifications, keeping nothing back," reported John M. Bernhisel. He also reported the response of the audience: "The discourse produced quite a sensation in the hall; a number left, and when [Pratt] had concluded, his audience was reduced about one third."<sup>8</sup>

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<sup>8</sup>*Deseret News*, 14 May 1853. Pratt's primary responsibility on his mission to Washington was to lay polygamy before the people in the East. He said in late 1854, "In all my preaching on...missions, I have endeavored to be just as practical as possible

After this public proclamation of polygamy, Pratt's meetings were ill-attended. This did not dissuade him, however, from his other forum for disseminating information about the church and polygamy: a newspaper he founded, wrote, and edited called *The Seer*. Pratt's prospectus for the paper stated that its primary purpose was to "elucidat[e] the doctrines of the Church of Jesus Christ of Latter-day Saints," including "The Prophecies relating to the grand and remarkable events of the last days." Moreover, Pratt intended to explain "The doctrine of *Celestial Marriage or Marriage for all Eternity* as believed and practised by the Saints in Utah Territory," along with "The views of the Saints in regard to the *ancient Patriarchal Order of Matrimony or Plurality of Wives*, as developed in a revelation given through JOSEPH [Smith] the Seer." Pratt explained that he intended the leading men of the nation to be his primary audience, though everyone else could benefit from the knowledge he hoped to disseminate:

It is hoped that the President elect, the Hon. Members of Congress, the Heads of the the various Departments of the National Government, the high-minded Governors and legislative Assemblies of the several States and Territories, the Ministers of every religious denomination, and all the inhabitants of this great Republic, will patronize this Periodical, that through the medium of our own writings they may be more correctly and fully informed in regard to the peculiar doctrines views, practices and expectations of the Saints who now flourish in the Mountain Territory.<sup>9</sup>

After introducing this prospectus at the beginning of *The Seer's* first issue, Pratt included an epistle to the Saints abroad, and then published Joseph Smith's revelation on plural

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among the people, showing them their every-day duties....except on my last mission; on that, I was sent to preach the doctrine of plurality of wives." Several other leading Mormons fulfilled similar missions in defense of polygamy, though Whittaker argues that none other devoted their time as completely as Pratt to preaching polygamy. *Journal of Discourses*, vol. 2 (Liverpool, England: F.D. Richards, 1855): 58; and Whittaker, "Bone in the Throat," 304.

<sup>9</sup>*The Seer* (Washington, D.C.), Jan. 1853, 1. Italics in original.

marriage. Of the remaining nineteen issues of the newspaper, published through August 1854, eleven dealt largely with the Mormon belief in polygamy; later issues of *The Seer* returned to more basic doctrines of the Church.<sup>10</sup>

Though the circulation of *The Seer* peaked at about seven hundred, its effect on Washington politicians' opinion of the Mormons was unmistakable. Pratt wrote to Brigham Young in late 1853 that

The excitement on the introduction of celestial marriage has mostly subsided, and sunk down into a bitter, cold, deadly, silent hatred, looking upon the Saints as the most degraded, contemptible, beastly creatures that, in their estimation, disgrace the earth. Their minds are made up upon popular rumor and newspaper slander, for our works they do not read.<sup>11</sup>

Earlier that spring, John M. Bernhisel had written similar sentiments. "The excitement does not run so high as it did a twelve month ago," he communicated to church leaders. "Neither priests nor people, nor members of any of the branches of the National Government, will condescend to hear or investigate [the church], or I presume they would consider it a condescension, and editors are expressing their disgust through the press."<sup>12</sup>

Pratt's efforts had two important effects: first, they turned public sentiment against the Mormons, something that Bernhisel had labored continually to prevent since

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<sup>10</sup>See Whittaker, "Bone in the Throat," 305-12. Whittaker's analysis is more complete than this thesis allows, and worth reviewing for those interested. Interestingly, in the April 1854 issue Pratt republished Joseph Smith's prophecy on war, which stated that war would soon afflict all nations, beginning with South Carolina's rebellion. Pratt also including a detailed analysis of the revelation's various parts.

<sup>11</sup>Orson Pratt to Brigham Young, 4 Nov. 1853, in Whittaker, "Bone in the Throat," 306.

<sup>12</sup>*Deseret News*, 14 May 1853.



first arriving in Washington in late 1849.<sup>13</sup> Second, Pratt's assertion of the polygamy doctrine diverted attention from sources of information that revealed slavery's practice in Utah. As members of the Senate Judiciary Committee and the House Committee on Territories perused Utah's laws, it is not a far stretch to imagine them searching specifically for legal protection of plural marriage after Pratt's discourses on the doctrine. Finding no legislation with titles like "An Act in Relation to Matrimony" or "An Act for the Establishment and Protection of Patriarchal Marriage," the congressmen may have simply shaken their heads and muttered to each other, "What are we going to do with the Mormons?" The national government would have little to do with the Mormons until 1857, however, when rumors of Mormon rebellion wafted eastward during the first year of James Buchanan's presidency, prompting the executive to dispatch federal troops to Utah.

By late 1853, few in Washington cared much for the Mormons. Their peculiar institution of polygamy seemed foreign and dangerous to many politicians, but the Constitution clearly protected religious practices, and no solution was readily apparent.<sup>14</sup> The practice of slavery in Utah remained hidden behind the unintentional polygamy

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<sup>13</sup>In addition to Bernhisel's efforts during the debates over the Compromise of 1850, discussed in Chapter II, he had to smooth over opinion of the Mormons during the "Runaway Judges" fiasco in early 1852, which is probably "the excitement" of twelve months previous, to which he referred in the previous quotation. See Barrett, "John M. Bernhisel," ch. VI.

<sup>14</sup>That there seemed to be no solution did not prevent many from lashing out against Mormon polygamy (and probably contributed to some hostility), especially with written fiction. Sarah Barringer Gordon discusses thoroughly several novels that began emerging in the 1850s, aimed at exposing the abuses of plural marriage and arguing for federal intervention. As she and others note, however, these antipolygamy novels had little basis in fact. Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2002), 30ff.

smokescreen (and the possibly intentional “service” smokescreen), and would so continue during the tumultuous debates over popular sovereignty and the Kansas-Nebraska Act throughout the early months of 1854.

#### KANSAS, NEBRASKA, AND UTAH

In January 1854, Senator Stephen A. Douglas of Illinois reported a bill from the Senate Committee on Territories that proposed the organization of a territory called Nebraska. Slavery had been prohibited from the area, part of the Louisiana Purchase, by the Missouri Compromise of 1820. When Douglas suggested that the principle of popular sovereignty be applied to Nebraska, then, and later to an additional territory called Kansas, he threw Congress into sectional upheaval that would culminate in civil war. The Kansas-Nebraska debates would have provided the perfect opportunity to examine the laws of Utah to see how popular sovereignty played out in practice, and yet no congressman suggested such a thing. The ways in which Senators and Representatives used Utah in their debates betray their ignorance of slavery’s practice in that territory.

Senator John Bell of Tennessee, for example, argued that extending popular sovereignty to the territories was of little benefit, for the territories would still have to pass through the ordeal of review for admission into the Union. Utah, Bell believed, was of little value to slaveholders, as was the whole of the Kansas-Nebraska territory. “Where is the other and remaining territory of the United States to which this principle of non-intervention can be made available, or of any value to the South!” he lamented. Representative J.O. Norton of Illinois believed that the Compromise of 1850 “left slavery

just as [Utah and New Mexico] found it, while they continued territories.” The Mexican law that had prohibited slavery, and the Missouri Compromise of 1820 that affected a small portion of Utah, both remained legally and practically in effect, Norton argued. And even if Utah or New Mexico passed laws prohibiting or establishing slavery, Norton continued, the Governor held an absolute veto over the legislature, and Congress had the power to review those territories’ laws, as well. Popular sovereignty was a fallacy, Norton asserted. Ironically, Utah’s legislature had enacted slavery legislation, its Governor had signed the bill into law, and Congress had failed to catch them in the act a year previous.<sup>15</sup>

O.B. Matteson of New York submitted resolutions authored by citizens of his state hoping to “destroy the *potential* existence of slavery in the Territories of Utah and New Mexico.” They thought Kansas-Nebraska was the last straw, although they probably would have thought the same of Utah had they known its laws protected slavery. In a different vein, and indicative of the popular view of Utah, was Senator John Clayton of Delaware. He opposed the Kansas-Nebraska Act based on the problem of population. Too few American citizens lived in the region to justify creating territories with sovereign power. Utah, Clayton argued, served as a prime example of what could happen with too few, and too homogeneous, people in control of their laws. “The result has been a Mormon theocracy,” with the “peculiar institution” of polygamy, “virtually established by law,” Clayton concluded. “The whole government was given to the Mormons. The child may rue, that is unborn, the error of that act.”<sup>16</sup>

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<sup>15</sup>*Appendix to the Congressional Globe*, 33<sup>rd</sup> Cong., 1<sup>st</sup> sess., 415, 450.

<sup>16</sup>*Ibid.*, 429-30; 390-1. Emphasis added.

Others defended the Mormons during the Kansas-Nebraska debates. When Senator Truman Smith of Connecticut, formerly a close acquaintance of John M. Bernhisel, attacked polygamy as an extreme abuse of popular sovereignty, A.C. Dodge of Iowa later retorted that polygamy was within their religious rights, and the Mormons would probably not trouble Washington with territorial legislation on the subject. Dodge compared the Mormons with the Shakers, who practiced celibacy, and yet were faced with no criticism. Although Dodge felt both the Mormons and Shakers were wrong in their beliefs on marriage, he defended them. Were Senator Smith faced with the choice of joining the Mormons or the Shakers, Dodge quipped, “Brigham Young would soon have the pleasure of the Senator’s company, and the benefit of his judgment, in Utah.” The *Deseret News* reprinted Dodge’s comments several months later.<sup>17</sup>

The Kansas-Nebraska Act passed in the Senate on 3 March 1854, and in the House on 22 May. Its final version allowed Kansas and Nebraska to determine the status of slavery within their borders, much as the Compromise of 1850 had permitted Utah and New Mexico. Throughout the debates, not one congressman ever mentioned the practice of slavery in Utah, however. Popular sovereignty seemed to be working in Utah according to the beliefs of 1850—due to climate, natural law, divine providence, or whatever the explanation, slavery did not seem to exist in Utah. Congressmen did mention polygamy in reference to Utah, the one extreme abuse of popular sovereignty believed to be practiced among Mormons. Polygamy took on an association with slavery only through this common link to popular sovereignty, a link on which the Republican Party capitalized in 1856. By the summer of 1854, however, the seeds of sectionalism

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<sup>17</sup> *Ibid.*, 175, 378; and *Deseret News*, 25 May 1854.

had already been sown—seeds of irreconcilable differences that would bloom and boom come 1861.

#### THE TWIN RELICS OF BARBARISM

As Ezra T. Benson rose to the pulpit at the invitation of the non-Mormon minister, he felt no small amount of trepidation. Kinsfolk and family friends made up a large portion of this Milford, Massachusetts congregation, whose minister had just finished delivering a fiery political sermon. The Republican Party had recently selected John C. Frémont, famous explorer of the West, as their first presidential candidate, and this minister had stirred his congregation with his message on politics, apparently in favor of the Republicans. The listeners waited attentively for Benson, visiting from the West, to share his thoughts on the matter.

But Benson had a special calling—he was a Mormon Apostle, charged with the task to share the Mormon religion with all who could hear his voice. His visit to Milford, on the way to a European mission, presented simply another opportunity to testify of the religion to which he had devoted his life. So, instead of following the minister's political diatribe with his own opinions on the impending election, Benson launched into a half-hour sermon on the gospel he believed. He testified of Joseph Smith and Brigham Young's prophetic callings, but could tell by the "devils dancing in the countenances of the people" that his words accomplished little of his aims in speaking. The congregation still had on their minds their minister's sermon, for the first question asked of Benson regarded the Mormon belief in slavery.

Benson replied that Mormons did not believe in slavery; "we believe," he said,

“in the Gospel of Jesus Christ, which is the Gospel of Liberty, for it opens the door of freedom and throws off the fetters of bondage.” Unsatisfied with this answer, Benson’s inquisitor pressed further, “do not you believe in freeing the negroes?” As loaded a question as they come, Benson’s answer could win him friends or enemies depending on what he said. Abolitionism, politics, and religion had become melded for many New England congregations by this time, as evidenced by the minister’s sermon. So Benson’s answer, “No; the Lord will free them,” invited nothing but hostility.

“Ah,” responded Benson’s questioner, “the Mormons do believe in slavery; for they permit men to bring their slaves into their Territory.” This resident of Milford, Massachusetts had heard or read of Utah’s policy—and this knowledge prevented Benson from winning any converts that day. Benson recalled the congregation’s mood: “I then went on to show him our views on the subject; but I could see my remarks did not satisfy the people.”

Nor did his explanation of polygamy, which was the next subject pressed upon him. After explaining his personal understanding that Brigham Young had about fifty or sixty wives, Benson responded to further questions with a hint of finality in his voice. “Why do you wish to raise a quarrel with me, when all the Prophets spoken of in the Bible you believe in both taught and practised it?” As he reported to his fellow Mormons following his return from Europe, his friends in Massachusetts would never accept the doctrines he cherished. “I could see they had a spirit to persecute the Saints,” he concluded; “I never want to go [there] again, unless the Almighty commands me.”<sup>18</sup>

By 1856, when the Republican Party formed its first national platform, few

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<sup>18</sup>*Journal of Discourses*, vol. 6 (Liverpool, England: Asa Calkin, 1859), 180-1.

Americans had learned that Utah had enacted laws protecting slavery. Those who did know gained their knowledge either from firsthand experience or from a few scant references in eastern publications. J.W. Gunnison, a non-Mormon, reported in an 1853 publication that “involuntary labor by negroes is recognized [in Utah] as custom; those holding slaves, keep them as part of their family, as they would wives, without any law on the subject.” The following year, Apostle John Taylor and former Utah legislator Nathaniel H. Felt reported to a Chicago newspaper that slaves did, indeed, live in Utah. The paper’s editor wrote that “we were assured there was but little of it there, yet it is there....How many slaves are now held there [Taylor and Felt] could not say, but the number relatively was by no means small.” It remains a puzzling curiosity that such sources did not spread through Republican Party ranks like wildfire. Almost no easterners left record of their knowledge of Utah slavery. As it had since 1853, polygamy retained prominence in many minds in relation to Utah.<sup>19</sup>

When the Republicans paired polygamy with slavery, they primarily intended to reinforce the case against slavery, although they certainly opposed polygamy in its own right.<sup>20</sup> Both Mormons and slaveholders utilized the argument of local sovereignty to defend their respective institutions. Republicans argued that if slaveholders insisted that

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<sup>19</sup>J.W. Gunnison, *The Mormons, or, Latter-day Saints, in the valley of the Great Salt Lake...* (Philadelphia, 1853), cited in Lester E. Bush, Jr., “Mormonism’s Negro Doctrine: an Historical Overview,” *Dialogue* 8 (1973): 55 n. 73; and *The Latter-day Saints’ Millennial Star* (Liverpool, England), vol. 17, no. 4 (27 Jan. 1855): 63.

<sup>20</sup>See Roger M. Barrus, “Political History,” in Daniel H. Ludlow, *Encyclopedia of Mormonism*, vol. 3 (New York: Macmillan Publishing Company, 1992): 1100; Richard D. Poll, “The Mormon Question Enters National Politics, 1850-1856,” *Utah Historical Quarterly* 25 (1957) 117-131; and Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2002), ch. 2.

sovereignty granted them the sole right to legislate on slavery, they must also agree that the Mormons could demand the sole right to legislate on plural marriage. The Republicans played off of a growing public aversion towards Mormon polygamy to attack slavery, not even realizing that some Mormons practiced slavery, too. For example, Abraham Lincoln gave a speech in 1857 criticizing Stephen A. Douglas' opposition to Utah controlling her own laws any longer. Douglas had recounted rumors that nine tenths of the Utah Mormons were foreign nationals, all the Mormons had taken oaths to oppose challenges to Brigham Young's authority, and they had united with Native Americans and formed the renegade Danite "Destroying Angel" band to terrorize the West. Douglas suggested that Utah Territory be disbanded and governance redistributed among adjacent territories. Lincoln charged Douglas with reneging his stance on popular sovereignty, and cited Douglas' position as additional evidence that popular sovereignty "was a mere deceitful pretense for the benefit of slavery." If the Mormons were not *really* allowed to govern their own institutions, then popular sovereignty was simply a sham designed to protect slaveowners from federal intervention.<sup>21</sup>

Conversely, some Mormons defended polygamy with the argument that if they could be punished for their private institutions, so could slaveholders: "Undertake to deprive the people of this one domestic institution," meaning polygamy, said Orson Pratt, "and you can, upon the same principle, deprive them of all others. Imprison the

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<sup>21</sup>Lincoln also criticized Douglas for not addressing polygamy, which he sarcastically argued should have been defensible under Douglas' sovereignty doctrine. *Kansas, Utah, & the Dred Scott Decision: Remarks of the Hon. Stephen A. Douglas, delivered at the State House in Springfield, June 12, 1857* (Springfield, IL: n.p, n.d.), 11-2; and *Speech of the Hon. Abram Lincoln, in Reply to Judge Douglas. Delivered in Representatives' Hall, Springfield, Illinois, June 26<sup>th</sup>, 1857* (Springfield, IL: n.p, n.d.), 1.



polygamist for having more than one wife, and you have the same right to imprison a man for having more than one child, or to punish the slaveholder for having more than one slave. The same Constitution that protects the latter also protects the former.”<sup>22</sup>

Those few easterners who knew of slavery in Utah, like Ezra T. Benson’s Milford inquisitor, found it incredible that the Mormons practiced *both* of the “twin relics of barbarism” denounced by the Republican platform. Fed by rumors of an impending Mormon rebellion, some who formerly felt favorable, or at least antipathetic towards the Mormons, became openly hostile. Perrin Bliss, for example, an Illinois farmer, had in 1857 expressed to his Mormon sister interest in learning how polygamy worked. Less than a year later, however, he wrote to his sister and brother-in-law that the Mormon people “seem to have adopted most of the abominable vices of the ancients and half civilized nations.” Bliss adopted the position by this later date that polygamy and slavery were “opposed to the moral sense of the whole Christian World, and ever must be.”<sup>23</sup> Like the Milford congregation, no Mormon could make a convert out of Perrin Bliss.

#### CONCLUSIONS: UTAH AND THE DELAY OF CIVIL WAR

Utah played an important part in delaying the Civil War, a part that has not yet been recognized by historians of antebellum politics. After the Compromise of 1850, the Whigs and Democrats both took steps to preserve the provisions of the compromise. By early summer 1852, both parties made acceptance of the compromise high priorities, and

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<sup>22</sup>*Journal of Discourses* 7:226.

<sup>23</sup>Perrin Bliss to Eunice Moore, 26 Jul. 1857; and Bliss to Eunice and Stephen Moore, 10 May 1858, Perrin Bliss letters, L. Tom Perry Special Collections, Brigham Young University, Provo, UT.

opposed “any reopening of the slavery issue.” With slavery removed from national politics, the strongest issue of intra-party conflict had been effectively resolved.

One significant part of accepting the Compromise for Northerners was the belief that slavery did not exist in Utah. Based on an inaccurate historical picture of Mormons as antislavery New Englanders, furthered by John M. Bernhisel’s strategic silence on slavery, and having not thoroughly reviewed Utah’s laws because of the polygamy distraction, Washington politicians truly believed slaves did not live in Utah. Had Bernhisel not hidden slavery from Truman Smith, William Seward, and the other politicians he lobbied during his first year in Washington, the Compromise of 1850 would not have been accepted as we now know it. The intertwined issues of slavery and westward expansion may not have been “resolved” to the satisfaction of politicians from both parties and both sections, deepening the intra-party tension that would destroy the Second Party System and lead to the emergence of the Republicans. Had knowledge of Utah slavery erupted in Washington with Orson Hyde’s 1851 article, with the 1850 Census, with Utah’s 1851-2 laws that Congress reviewed in early 1853, or with the other available sources, the Civil War may have started sooner than 1861. Eastern ignorance of slavery’s practice in Utah thus played a significant part in delaying the chain of events that culminated in the Civil War, Reconstruction, and the assertion of the national government’s superior sovereignty over individual states and territories.

When the Kansas-Nebraska Act emerged in 1854, it tore the Democrats and Whigs apart. Northerners from both parties became unified in a way that transcended their former intersectional party unity. In large part this unification was based on the common Northern fear of a growing “Slave Power” or “Slaveocracy,” a fear that only

intensified with the Kansas-Nebraska Act's repeal of the Missouri Compromise. Within a few years, the Republican Party would emerge as a sectional organization that mobilized antislavery advocates, anti-immigration advocates, and former Northern Democrats to create a powerful conglomeration of anti-southern interests. In 1860 this new party successfully elected Abraham Lincoln as the sixteenth President of the United States, spurring South Carolina to secede. In April 1861, the first shots of the Civil War rang out at Fort Sumter, and the United States has never been the same.<sup>24</sup>

#### EPILOGUE: THE FORTUNES OF WAR

Many of Utah's blacks remained "servants" to their masters until Congress banned slavery from the territories in June 1862, just over a year into the Civil War. Perhaps eased by the Mormons' ameliorative view of slavery, the transition to emancipation seems to have presented few social or structural problems in the territory. Some slaves remained with their former masters as hired hands; others left for California or elsewhere and are lost to history. Still, no matter what their destination was to be, as two former Utah slaves recalled years later, it was a sight to see "the joyful expressions which were upon the faces of all the slaves, when they ascertained that they had acquired their freedom through the fortunes of war."<sup>25</sup>

Significantly, the same day in June that the House of Representatives ended slavery in the territories, the next bill debated was the Morrill Anti-Bigamy Act. After

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<sup>24</sup>Ibid., 139, 144-52; Foner, *Free Soil*, 176-8; and Leonard Richards, *The Slave Power: The Free North and Southern Domination, 1780-1860* (Baton Rouge: Louisiana State University Press, 2000), ch. 8.

<sup>25</sup>*Broad Ax* (Salt Lake City), 25 Mar. 1899.

effectively eradicating one relic from the territories, Congress set about attacking the other relic. Justin S. Morrill of Vermont had introduced the bill in early April 1862, proposing that the Mormon practice of polygamy be made punishable with fines and prison sentences. Morrill's act virtually killed Utah's petition for statehood that same year, and Congress passed the act in late June. Distance and the distraction of the Civil War prevented its enforcement, however. Additionally, Reconstruction occupied congressional attention for over a decade following the war, postponing further anti-polygamy legislation until 1882 and 1887. One "relic" had died less than a decade after the first Republican platform, though at the expense of millions of destroyed lives. Not until 1890 did the Mormons formally disavow the other "relic."<sup>26</sup>

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<sup>26</sup>See the *Congressional Globe*, 37<sup>th</sup> Cong., 2<sup>nd</sup> sess., 2769; E.B. Long, *The Saints and the Union: Utah Territory during the Civil War* (Urbana: University of Illinois Press, 1981), ch. IV; and Thomas G. Alexander, *Utah, the Right Place: The Official Centennial History*, revised ed. (Salt Lake City: Gibbs-Smith, Publisher, 1996), 191-4, 204-5.



APPENDIX ONE

MEMBERS OF THE 1851-2 UTAH TERRITORIAL LEGISLATURE

<u>House</u>	<u>Council</u>
George Brimhall*	Ezra T. Benson <sup>†</sup>
James Brown	Charles R. Dana
John Brown*	Lorin Farr
James G. Browning	John S. Fullmer
Gideon Brownell	Jedediah M. Grant <sup>†</sup>
David B. Dille	Edward Hunter*
David Evans	Aaron Johnson
Nathaniel H. Felt	Heber C. Kimball
David Fullmer	Isaac Morley
Elisha B. Groves	Willard Richards
Levi W. Hancock	George A. Smith
Benjamin F. Johnson	Orson Spencer
Andrew L. Lamereaux	Daniel H. Wells
William Miller	Alexander Williams
William W. Phelps	
Phineas (or Phinehas) Richards	
Albert P. Rockwood	
John Rowberry	
Henry G. Sherwood	
Charles Shumway	
Willard Snow <sup>†</sup>	
Daniel Spencer	
John Stoker	
Hosea Stout	
Wilford Woodruff	
Edwin D. Woolley	
Joseph Young	

<sup>†</sup> Resigned from the legislature in Sept. 1851.

\* Elected to the legislature in Nov. 1851.

## APPENDIX TWO

### AN ACT IN RELATION TO SERVICE

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That any person or persons coming to this Territory and bringing with them servants justly bound to them, arising from special contract or otherwise, said person or persons shall be entitled to such service or labor by the laws of this Territory: *Provided*, That he shall file in the office of the Probate Court written and satisfactory evidence that such service or labor is due.

SEC. 2. That the Probate Court shall receive as evidence any contract properly attested in writing or any well proved agreement wherein the party or parties serving have received or are to receive a reasonable compensation for his, her, or their services: *Provided*, that no contract shall bind the heirs of the servant or servants to service for a longer period than will satisfy the debt due his, her, or their master or masters.

SEC. 3. That any person bringing a servant or servants, and his, her, or their children from any part of the United State[s], or any other country, and shall place in the office of the Probate Court the certificate of any Court of record under seal, properly attested that he, she, or they are entitled lawfully to the service of such servant or servants, and his, her, or their children, the Probate Justice shall record the same, and the master or mistress, or his, her, or their heirs shall be entitled to the services of the said servant or servants unless forfeited as hereinafter provided, if it shall appear that such servant or servants came into the Territory of their own free will and choice.

SEC. 4. That if any master or mistress shall have sexual or carnal intercourse with his or her servant or servants of the African race, he or she shall forfeit all claim to said servant or servants to the commonwealth, and if any white person shall be guilty of sexual intercourse with any of the African race, they shall be subject, on conviction thereof to a fine of not exceeding one thousand dollars, nor less than five hundred, to the use of the Territory, and imprisonment not exceeding three years.

SEC. 5. It shall be the duty of masters or mistresses, to provide for his, her, or their servants comfortable habitations, clothing, bedding, sufficient food, and recreation. And it shall be the duty of the servant in return therefore, to labor faithfully all reasonable hours, and do such service with fidelity as may be required by his, or her master or mistress.

SEC. 6. It shall be the duty of the master to correct and punish his servant in a reasonable manner when it may be necessary, being guided by prudence and humanity,

and if he shall be guilty of cruelty or abuse, or neglect to feed, clothe, or shelter his servants in a proper manner, the Probate Court may declare the contract between master and servant or servants void, according to the provisions of the fourth section of this act.

SEC. 7. That servants may be transferred from one master or mistress to another by the consent and approbation of the Probate Court, who shall keep a record of the same in his office; but no transfer shall be made without the consent of the servant given to the Probate Judge in the absence of his master or mistress.

SEC. 8. Any person transferring a servant or servants contrary to the provisions of this act, or taking one of the Territory contrary to his or her will, except by decree of the Court in case of a fugitive from labor, shall be on conviction thereof, subject to a fine, not exceeding five thousand dollars, and imprisonment, not exceeding five years, or both, at the discretion of the Court, and shall forfeit all claims to the services of such servant or servants, as provided in the fourth section of this act.

SEC. 9. It shall further be the duty of all masters or mistresses, to send their servant or servants to school, not less than eighteen months between the ages of six years and twenty years.

Approved Feb. 4<sup>th</sup>, 1852.



## APPENDIX THREE

### A COMPARISON OF EARLY AND FINAL VERSIONS OF UTAH'S SLAVERY ACT

Text differing between the versions is indicated with boldface font.

#### “An Act in Relation to African Slavery”

SEC. 1. *Be it enacted by the Governor and Legislative Assembly of the Territory of Utah*, That any person or persons coming to this Territory and bringing with them servants justly bound to them, arising from special contract or otherwise, said person or persons shall be entitled to such service or labor by the laws of this Territory: *Provided*, That he shall file in the office of the Probate Court written and satisfactory evidence that such service or labor is due.

SEC. 2. That the Probate Court shall receive as evidence any contract properly attested in writing or any well proved agreement wherein the party or parties serving have received or are to receive a reasonable compensation for his, her, or their services: *Provided*, that no contract shall bind the heirs of the servant or servants to service for a longer period than will satisfy the debt due his, her, or their master or masters.

SEC. 3. That any person bringing a servant or servants, and his, her, or their children from any part of the United State[s], or any other country, and shall place in the office of the Probate Court the certificate of any Court of record under seal, properly attested that he, she, or they are entitled lawfully to the service of such servant or servants, and his, her, or their children, the Probate Justice shall record the same, and

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the master or mistress, or his, her, or their heirs shall be entitled to the services of the said servant or servants **and his, her, or their heirs, until the curse of servitude is taken from the descendents of Canaan,** unless forfeited as hereinafter provided, if it shall appear that such servant or servants came into the Territory of their own free will and choice.

SEC. 4. That if any master or mistress shall have sexual or carnal intercourse with his or her servant or servants of the African race, he or she shall forfeit all claim to said servant **and the Probate Court is hereby required to declare as soon as the fact is proven before [him?] that all claim of said master or mistress is at an end. The Court shall Indenture said servant or servants and his or her children to such other master or mistress as in his opinion will[?] set before his servants a moral example** and if any white person shall be guilty of sexual intercourse with any of the African race, they shall be subject, on conviction thereof to a fine of not exceeding one thousand dollars, nor less than five hundred, to the use of the Territory, and imprisonment not exceeding three years, **and forfeiture of all right of service they may hold or may afterwards descend to them by heirship, and in case of males offending as herein provided, they shall be disqualified from holding any office under the laws of this Territory or from voting at any election.**

SEC. 5. **That the title of the master to whom said servant is indentured shall be as bona fide in law, to his heirs and assignee[?], as if he had been the original master; provided that no servant shall be compelled to leave the Territory without his or her consent.**

SEC. 6. It shall be the duty of masters or mistresses, to provide for his, her, or their servants comfortable habitations, clothing,

the master or mistress, or his, her, or their heirs shall be entitled to the services of the said servant or servants unless forfeited as hereinafter provided, if it shall appear that such servant or servants came into the Territory of their own free will and choice.

SEC. 4. That if any master or mistress shall have sexual or carnal intercourse with his or her servant or servants of the African race, he or she shall forfeit all claim to said servant or servants to the commonwealth, and if any white person shall be guilty of sexual intercourse with any of the African race, they shall be subject, on conviction thereof to a fine of not exceeding one thousand dollars, nor less than five hundred, to the use of the Territory, and imprisonment not exceeding three years.

[This section removed from the final bill]

SEC. 5. It shall be the duty of masters or mistresses, to provide for his, her, or their servants comfortable habitations, clothing,

bedding, sufficient food, and recreation. And it shall be the duty of the servant in return therefore, to labor faithfully all reasonable hours, and do such service with fidelity as may be required by his, or her master or mistress.

SEC. 7. It shall be the duty of the master to correct and punish his servant in a reasonable manner when it may be necessary, being guided by prudence and humanity, and if he shall be guilty of cruelty or abuse, or neglect to feed, clothe, or shelter his servants in a proper manner, the Probate Court may declare the contract between master and servant or servants void, **and indenture them to another Master or Mistress** according to the provisions of the fourth section of this act.

SEC. 8. That servants may be transferred from one master or mistress to another by the consent and approbation of the Probate Court, who shall keep a record of the same in his office; but no transfer shall be made without the consent of the servant given to the Probate Judge in the absence of his master or mistress.

SEC. 8. Any person transferring a servant or servants contrary to the provisions of this act, or taking one of the Territory contrary to his will, except by decree of the Court in case of a fugitive from labor, shall be on conviction thereof, subject to a fine, not exceeding five thousand dollars, and imprisonment, not exceeding five years, or both, at the discretion of the Court, and shall forfeit all claims to the services of such servant or servants.

SEC. 10. It shall further be the duty of all masters or mistresses, to send their servant or servants to school, not less than eighteen months between the ages of six years and twenty years.

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SEC. 9. It shall further be the duty of all masters or mistresses, to send their servant or servants to school, not less than eighteen months between the ages of six years and twenty years.

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