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Violence across the Land: Vigilantism and  
Extralegal Justice in the Utah Territory

Scott K. Thomas

A thesis submitted to the faculty of  
Brigham Young University  
in partial fulfillment of the requirements for the degree of  
Master of Arts

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April 2010

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## ABSTRACT

### Violence across the Land: Vigilantism and Extralegal Justice in the Utah Territory

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Master of Arts

For years historians of the American West have overlooked Utah when dealing with the subject of extrajudicial violence, while researchers of Mormonism have misread the existence of such violence in territorial Utah. The former asserts that Utah was free from extrajudicial proceedings and that such violence was nearly nonexistent within the contours of the Mormon kingdom. The latter maintains that any violence that existed in Utah was directly connected to the religious fanaticism of the Mormon populace in the region. The reality is that much of the extralegal violence in Utah was a result of the frontier, not the religion of the Mormons.

Although episodes of bloodshed have been routinely categorized as religious zealotry, the evidence suggests that they are more properly catalogued within the context of western vigilantism—a practice well-documented and accepted among historians of the West. Utahans did employ extralegal means, like most other locales, for maintaining the existing social structure. Numerous factors led to conflicts of interests and, as was common during this time, violence became a part of life for early Utahans. It is the purpose of this examination to demonstrate how residents, leaders, and visitors in Utah justified the use of extrajudicial proceedings during the territorial period.

Examining the violence that occurred in nineteenth-century Utah within the framework of the western extralegal culture provides a more nuanced understanding of the people of the region and demonstrates how their actions were not as aberrant as previous scholars have claimed. During the territorial period, Utahans experienced a significant amount of extralegal justice.

The unique confluence of ethnic, religious, and political ideals led to clashes on the western frontier. There was no shortage of outlaws in Utah, nor of citizens and authorities capable and willing to go beyond the bounds of legal authority to maintain order within the territory. This thesis aims to properly place the Utah Territory in the broader framework of extralegal violence in the West and expand the historical understanding of summary justice in pre-statehood Utah.

Keywords: American West, Utah Territory, Church of Jesus Christ of Latter-day Saints, Mormons, vigilantism, vigilante, extralegal, extrajudicial, violence, crime, Danites, Blood Atonement, law

## ACKNOWLEDGMENTS

Words cannot express the appreciation I feel and the debt that I owe my wife and children for their unwavering support and sacrifice over the years of researching and writing this thesis. Thank you Deon, Bronx, and Bo for your patience and understanding; this would have been impossible without you. My parents, Cynthia-Mar and Veston Thomas, rendered much support to me over the years, and I am indebted to their generosity and love. Along with my wife, they have been imperative to my quest for knowledge and truth. Each of my siblings has afforded me much consolation as they listened to my findings and aided with my family, both crucial in the time and effort necessary for completing this thesis. Special thanks to Uncle Chad, for his countless hours spent with my boys while I was researching and writing. Confidant and comrade, Dr. Jonathan Moyer played a pivotal role in the scholarly development of my thesis in too many ways to be enumerated here. His mentorship has been invaluable and friendship central to my understanding of Mormon history.

Many professors at Brigham Young University and the University of Utah have assisted me greatly over the years. While I was never a student of the latter university, Dr. Robert Goldberg was kind enough to critique an early draft and provide helpful comments at the Western History Association conference in Oklahoma. It was there that I benefited from the scholarship and amity of Dr. Paul Reeve. I was fortunate to learn from some great professors and friends at BYU during my graduate education. Dr. Grant Underwood's classes impelled me to understand the history of Mormonism on a much deeper level. His insight as a committee member has been greatly appreciated. The lectures and writings of Dr. Thomas Alexander imbued me with a desire to research broader connections within the history of the Latter-day

Saints. As a committee member his probing insights and perceptive critique impacted the end result. The tutelage of Dr. Brian Cannon honed my academic skills and aided greatly in my academic development. His constant advisement and aid has greatly benefited this work. My good friend Dr. D. Morgan Davis provided timely assistance and my work has profited from his keen eye and profound grasp of the English language. More importantly, his friendship and camaraderie has shaped my grasp of religious history and doctrine.

My research brought me in contact with many institutions that facilitated my study and research greatly. The History Department provided numerous fellowships, grants, and other awards that relieved much of the financial burden of graduate school and allowed me to focus on my studies. I am indebted to Dr. Mary S. Richards who assisted with formatting and final presentation of this work. The department's administrative assistant, Julie Radle, was key in helping me navigate graduate school and I thank her for her dedication to the history program and its students. The staff at the L. Tom Perry Special Collections at the Harold B. Lee Library at BYU and the Marriott Library at the University of Utah always did their best to help me with my research needs. A grant from the Charles Redd Center for Western Studies facilitated an extremely important research trip to the Bancroft Library at the University of California at Berkeley. I am indebted to Ronald Barney of the Church History Department of the Church of Jesus Christ of Latter-day Saints for sharing his knowledge of violence in Mormon history, encouraging my research, and helping me procure important sources. My thanks goes to my good friend, neighbor, and Associate Director of Information Technology at the Howard W. Hunter Law Library, David Armond, who went well beyond his prescribed role to help me locate and understand Utah's early laws.

Many others provided encouragement, support, and assistance as I researched and wrote this thesis. My close friend Jared Rossean provided timely assistance with his computer knowledge. Many other close friends graciously shared their knowledge and insights; these conversations greatly enhanced my thinking and writing. My in-laws spent much time discussing family history, this aided in my overall understanding of my topic. Special thanks to my father-in-law Bernell Lancaster for sharing his knowledge of Hyrum and Abraham Nelson, familial ancestors and early Danites. I must also recognize the financial assistance rendered me from the Graduate Studies office through numerous Research Presentation Awards and the William J. Snow Scholarship funding from the History Department.

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## Chapter 1

### An Introduction to Extrajudicial Proceedings in Early Utah

*Go to cities west, north and east of us, and it is not uncommon to find half-a-dozen men dead by violence in a morning. What is said about it? Why, nothing. But if a scoundrel should meet his just deserts here, what an outcry is made? The Christian world is in an uproar about it; the thing is so rare. But if there were half-a-dozen men killed a day here, as in some other places, it would scarcely be noticed; it would not be so rare.*

—Brigham Young, 13 January 1867<sup>1</sup>

Because Utah’s social and religious contours set it apart from other regions of the West, many historians have failed to recognize the violence within the territory as being connected with the vigilantism of the nineteenth-century. Only a few scholars have studied the idea of extralegal violence in Utah. One of the most detailed analyses of the Mormon culture of violence acknowledges the extrajudicial proceedings among Utahans with regards to the numerous murders, whippings, castrations, beatings, and hangings in the pre-statehood era.<sup>2</sup> Others have provided needed insight into a handful of extralegal murders and outlined the communal reactions to violence against outsiders and criminals.<sup>3</sup> These works have laid an important

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<sup>1</sup> *Journal of Discourses*, by Brigham Young, *President of the Church of Jesus Christ of Latter-day Saints, His Two Counselors, the Twelve Apostles, and Others*, 26 vols. (Liverpool, England: Franklin D. Richards, 1855–86), 11:289; hereinafter abbreviated as JD.

<sup>2</sup> D. Michael Quinn, *Mormon Hierarchy: Extensions of Power* (Salt Lake City: Signature Books in association with Smith Research Associates, 1997), 226–61, esp. 258.

<sup>3</sup> Polly Aird, “‘You Nasty Apostates Clear Out’: Reasons for Disaffection in the Late 1850s,” *Journal of Mormon History* 30 (Fall 2004): 129–207; David L. Bigler, *Forgotten Kingdom: The Mormon Theocracy in the American West, 1847–1896* (Logan, Utah: Utah State University Press, 1998); David L. Bigler, “The Aiken Party Executions and the Utah War, 1857–1858,” *Western Historical Quarterly* 38 (Winter 2007): 457–76; Kenneth L. Cannon II, “‘Mountain Common Law’: The Extralegal Punishment of Seducers in Early Utah,” *Utah Historical Quarterly* 51 (Fall 1983): 308–27; Craig L. Foster, “Myth v. Reality in the Burt Murder and Harvey Lynching,” *Journal of the West* 43 no.4 (Fall 2004): 49–57; Craig L. Foster, “The Butler Murder of April 1869: A Look at Extralegal Punishment in Utah,” *Mormon Historical Studies* 2 no.2 (Fall 2001): 105–14; Donald R. Moorman with Gene A. Sessions, *Camp Floyd and the Mormons: The Utah War* (Salt Lake City: University of Utah Press, 1992), 231–59; Ardis E. Parshall, “‘Pursue, Retake & Punish’: The 1857 Santa Clara Ambush,” *Utah Historical Quarterly* 73 (Winter 2005): 64–86.



foundation for further study of extralegal violence within Mormonism, as well as for a connection to broader frameworks within the scholarship of the American West.

Although each of the authors identifies the possible influence of violence common in the American West—vigilantism and extrajudicial killings—there is no consensus on the degree of impact the western pattern of violence had on extralegal proceedings in Utah. Nor has there been much attempt at distinguishing between religiously motivated killing and western vigilantism. D. Michael Quinn, the foremost historian on Utah’s early violence, went so far as to declare such a classification as “impossible.”<sup>4</sup> The theocratic nature of early Utah, combined with certain theological tenets has driven researchers to identify violent actions during Utah’s territorial period as predictable of such religious fanatics. According to Quinn, “it will always be impossible to determine how many violent deaths occurred for theocratic reasons and how many merely reflected the American West’s pattern of violence.”<sup>5</sup> However, examining the violence that occurred in nineteenth-century Utah within the framework of vigilante culture provides a more nuanced understanding of the people of the region and demonstrates how their actions were not as aberrant as previous scholars have claimed. Also, the social contours of Utah during this period must be understood because they had an immediate impact on the acceptance of extralegal methods.

It is surprising that violence in Utah has not received the same scholarly attention as it has in other locales. This discrepancy appears to be correlative to Utah’s overwhelmingly Mormon majority. Since the early twentieth century scholars have noted the ubiquitous neglect

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<sup>4</sup> Quinn, *Extensions of Power*, 260.

<sup>5</sup> *Ibid.*

of the Mormons in American history.<sup>6</sup> In order to properly position Utah within the context of the American West one must examine it under the same historical rules applied to other western locales. One of the West's most eminent historians recently stated that, "There hasn't been enough effort in the past to integrate Mormon history into western history as a whole. It has been called the 'Donut Phenomenon:' there is a hole in the middle of [the] West where Utah and the Mormon story ought to go."<sup>7</sup>

During the territorial period, 1850–1896, Utahans experienced a significant amount of extralegal justice. Vigilantes intimidated countless individuals, physically abused many and killed others. This study will contextualize the social atmosphere of the Utah region that periodically energized citizens to exact summary justice in order to settle grievances and disputes. Vigilante violence remains a field of study that has yet to be fully synthesized. While there have been major works concerning American violence during the colonial period and in the

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<sup>6</sup> Bernard DeVoto, *Forays and Rebuttals* (Boston: Little Brown & Co., 1936): 82–83; Marvin S. Hill, "The Historiography of Mormonism," *Church History* 28 no.4 (December 1959): 418–26. Shortly after Hill's critique, Leonard J. Arrington, the "dean" of Mormon history, agreed with the underlying message that historical endeavors linking Mormonism to their American context were lacking. See Arrington, "Scholarly Studies of Mormonism in the Twentieth Century," *Dialogue* 1 no.1 (Spring 1966): 1–32. Although one Western historian recognized the inherent historical gap in 1967, relatively little has been done to incorporate Utah into large studies in American history; see Rodman W. Paul, "The Mormons As a Theme in Western Historical Writing," *Journal of American History* 54 no.3 (December 1967): 511–23. According to Paul, "the story of the Mormons is the most complex and elusive subject in the whole field of western history" mainly because of its inherent "contradictions and intriguing puzzles" (512).

<sup>7</sup> Elliot West; as quoted in *The Huntington Calendar* (July–August 2003): 5. For context of the donut analogy, see Jan Shipps, *Sojourner in the Promised Land: Forty Years Among the Mormons* (Urbana & Chicago: University of Illinois Press, 2000), 17–44; Jan Shipps, "Richard Lyman Bushman, the Story of Joseph Smith and Mormonism, and the New Mormon History," *Journal of American History* 94 no.2 (September 2007): 498–516.

antebellum and post-Civil War South,<sup>8</sup> much remains to be done in order to construct an understanding of violence in the American West during the latter half of the nineteenth century.<sup>9</sup>

Over the years scholars have employed a variety of terms for describing illicit, though at the time accepted, approaches to dealing with criminals, outsiders, and the like. Most commonly referred to as vigilantism, extralegal violence has also been called lynching, mobocracy, mountain common law, popular sovereignty, and rough justice. Some historians are adamant that categorization and distinct definitions are necessary for each of the terms; however, the overwhelming overlap in meaning outweighs the minutiae in differences.<sup>10</sup> Therefore, each of these terms may be used interchangeably to describe lawless activities; however, primacy will be given to the term vigilantism due to its general acceptance in the literature of western America.<sup>11</sup> Although vigilante justice was at times meted out by an individual, it was commonly carried out in groups or organizations. When violence perpetrated against an individual or a group was condoned by the community at large, it was commonly known as vigilantism. This form of justice was an accepted fact of life in most areas throughout the United States during the latter

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<sup>8</sup> Some of the most detailed examinations of the South's extralegal violence are Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982); Christian G. Fritz, "Popular Sovereignty, Vigilantism, and the Constitutional Right of Revolution," *Pacific Historical Review* 63 no.1 (February 1994): 39–66; David Grimsted, "Rioting in Its Jacksonian Setting," *American Historical Review* 77 no.2 (April 1972): 361–97; David Grimsted, *American Mobbing, 1828–1861: Toward Civil War* (New York: Oxford University Press, 1998); Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765–1776* (New York: Alfred A. Knopf, 1972), esp. 77–112; Michael J. Pfeifer, *Rough Justice: Lynching and American Society, 1874–1974* (Urbana and Chicago: University of Illinois Press, 2004); John Philip Reid, "In A Defensive Rage: The Uses of the Mob, the Justification in Law, and the Coming of the American Revolution," *New York University Law Review* 49 (1974): 1043–91.

<sup>9</sup> For the best analysis of vigilantism in the West, see Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975).

<sup>10</sup> For a discussion on the use of detailed language to describe specific extralegal actions and peoples, see Linda Gordon, *The Great Arizona Orphan Abduction* (Cambridge: Harvard University Press, 1999), 254–74; and Pfeifer, *Rough Justice*, 1–12.

<sup>11</sup> Due to the focus of this work, this study will refrain from using the term *lynch*, primarily due to the historically racial overtones that the term implies.

half of the nineteenth century—especially in the West.<sup>12</sup> Contemporary participants in the events did not concern themselves with academic jargon to describe their extralegal exploits, nor did any recognize their actions as deserving any specialized terminology.<sup>13</sup>

It is important that we be clear about the criteria that will define vigilante justice (no matter how big or small) for this essay. Most historians would agree that vigilantism is a distinct form of extralegal justice that is comprised of summary justice that goes well-beyond the accepted laws and ordinances of any given town or city. Another important criterion would be that those taking part are organized with a distinct purpose that is ostensibly connected to the good of the community as a whole and that, while sometimes operating habitually, though illegally, these groups were not permanently established entities. Organizations such as the Ku Klux Klan are therefore not recognized in this study as vigilance committees because they are permanent and continual in their structure as well as their operation.<sup>14</sup> Formation of large vigilance committees declined greatly during the latter-half of the nineteenth century.<sup>15</sup>

Although the foremost historian on American vigilantism maintains that western violence is a “deeply ingrained cultural fact,” it is an extremely controversial one, particularly in Utah

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<sup>12</sup> Brown, *Strain of Violence*; Howard R. Lamar, ed., *The New Encyclopedia of the American West* (New Haven: Yale University Press, 1998), 1168–70; Clyde A. Milner II, Carol A. O’Connor, and Martha Sandweiss, eds., *The Oxford History of the American West* (New York: Oxford University Press, 1994), 393–425; and Robert M. Utley, ed., *Encyclopedia of the American West* (New York: Wing Books, 1997), 445–46.

<sup>13</sup> Brown, *Strain of Violence*, 95–96. Nonetheless, many participants accepted the term *vigilante* to describe their actions; see John Boessenecker, ed., *Against the Vigilantes: The Recollections of Dutch Charley Duane* (Norman: University of Oklahoma Press, 1999); Thomas Josiah Dimsdale, *The Vigilantes of Montana, or, Popular Justice in the Rocky Mountains* (1866; repr., Norman: University of Oklahoma Press, 1953); Nathaniel P. Langford, *Vigilante Days and Ways* (1890; repr., Helena: American and World Geographic Publishers, 1999).

<sup>14</sup> One of the only similarities between the KKK and vigilance committees is that they function on the principle of popular sovereignty. There were instances of racially motivated violence in the pre-statehood era. For examples, see H. Dean Garrett, “The Controversial Death of Gobo Fango,” *Utah Historical Quarterly* 57 (Summer 1989): 264–72; Larry R. Gerlach, “Ogden’s Horrible Tragedy: The Lynching of George Segal,” *Utah Historical Quarterly* 49 (Spring 1981): 157–72; Quinn, *Extensions of Power*, 259–60.

<sup>15</sup> Brown, *Strain of Violence*, 101–03; David A. Johnson, “Vigilance and the Law: The Moral Authority of Popular Justice in the Far West,” *American Quarterly*, 33, no.5 (Winter 1981): 558–86.

history.<sup>16</sup> As early as 1855 leaders of the Mormon Church, Utah's dominant ethnic/religious body, boasted that their law-abiding citizenry was unlike any other because it did not require extralegal methods to maintain control.<sup>17</sup> Over a decade later another member of the Church's hierarchy reiterated this assertion and added that Utah's legal and social structure had deterred the organizing of vigilance committees in the region.<sup>18</sup> When chaos seemed to be a daily issue in many western settlements, Mormons took pride in what they considered an ordered and stable society. Making such a claim during a time when retributive justice was reaching its apex in many western locales is bold, not to mention is certainly bold, even if it is not unproblematic.

Episodes of vigilantism in Utah are few and far between if one is looking for a direct reference to "Vigilance Committees," as they were commonly referred to by some in the West. Utahans were especially hesitant to label their violent actions as extralegal primarily because of their desire to distance themselves from the Gentile world.<sup>19</sup> This acknowledged separation of

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<sup>16</sup> Brown, "Historiography of Violence in the American West," in *Historians and the American West*, ed., Michael P. Malone (Lincoln: University of Nebraska Press, 1983), 234.

<sup>17</sup> For the justification of viewing the Mormons as a legitimate ethnic group, see Howard M. Bahr, "Thomas F. O'Dea, the Harvard Values Project, and the Mormons: Early Lessons on Ethnography among the Literate," *Human Organization* 65 (Winter 2006): 343–52; Dean L. May, "Mormons," in *Harvard Encyclopedia of American Ethnic Groups*, ed. Stephen Thernstrom (Cambridge, MA and London: Belknap Press of Harvard, 1980), 720–31.

<sup>18</sup> *Deseret News*, 22 January 1868.

<sup>19</sup> Horace Greeley, *An Overland Journey, from New York to San Francisco, in the Summer of 1859* (New York: C.M. Saxton, Barker & Co., 1860), 214. It is traditionally understood that the use of the term *gentile* in early Mormon vernacular was a neutral title given to those not of the Mormon faith; see Arnold K. Garr, Donald Q. Cannon, and Richard O. Cowan, eds., *Encyclopedia of Latter-day Saint History* (Salt Lake City: Deseret Book, 2000), 420–21; Daniel H. Ludlow, ed., *Encyclopedia of Mormonism: The History, Scripture, Doctrine, and Procedure of the Church of Jesus Christ of Latter-day Saints*, 5 vols. (New York: Macmillan, 1992), 1:541. However, according to Brigham Young, the titles *gentile* and *Mormon* were both contrived by those outside the Church, the latter being a derogatory term for believers; see Capt. Jesse A. Gove, *The Utah, 1857–1858: Letters of Captain Jesse A. Gove, 10<sup>th</sup> Inf., U.S.A...To Mrs. Gove, and Special Correspondence of the New York Herald* (Concord: New Hampshire Historical Society, 1928), 369; Brigham Young, 5 July 1857, as quoted in JD, 5:3; William Jarman, *U.S.A.: Uncle Sam's Abscess, or Hell Upon Earth for U.S. Uncle Sam by W. Jarman, Esq., K.G.L., T.C.K., Knight of the Grand Legion of North America, who Suffered Twelve Years in the Mormon Hell on Earth, as one of the "Virgins without Guile," and a Priest after the Order of Melchizedek: Where Polygamy, Incest, and Murder are Taught and Practiced as Religion Under the "All Seeing Eye," and the Sign "Holiness Unto the Lord"* (Exeter, England: H. Leduc Steam Printing Works, 1884), 187.

cultures has led some to the conclusion that the extralegal violence in Utah during the second half of the nineteenth century was purely a result of religious zeal.<sup>20</sup> However, the obvious religious variables involved should not mislead scholars. When residents of Montana or California used extralegal violence as a means of dealing with criminals or undesirables it is commonly accepted as western violence. However, when citizens of Utah indulged in similar acts observers taint the actions as religious zealotry. It has become common practice to ignore Utah in general and specific studies of the West largely due to erroneous historical assumptions and misunderstandings. Examining the early Utah period provides an important framework for understanding the ethnic, religious, and political aspects of violence in the American West.

While the study of violence can be a sensitive subject for any group, historians of Mormonism have been willing to grapple with the subject quite openly.<sup>21</sup> Although some have been more candid than others about the extent of Mormon participation, the majority recognize

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<sup>20</sup> Quinn, *Extensions of Power*, 258. See similar explanations for violence in Utah in Bigler, *Forgotten Kingdom*, 121–39, esp. 131.

<sup>21</sup> Richard L. Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2005), 346–72; Arnold K. Garr and Clark V. Johnson, eds., *Regional Studies in Latter-day Saint Church History: Missouri* (Provo: Department of Church History and Doctrine, Brigham Young University, 1994), 85–118, 155–72, 241–80, 337–48; Leland H. Gentry, “The Danite Band of 1838,” *Brigham Young University Studies* 14 (Summer 1974): 421–50; Glen Leonard, *Nauvoo: A Place of Peace, A People of Promise* (Salt Lake City and Provo: Deseret Book in Association with Brigham Young University Press, 2002), 525–50; Gordon A. Madsen, “Joseph Smith and the Missouri Court of Inquiry: Austin A. King’s Quest for Hostages,” *BYU Studies* 43 no.4 (2004): 92–136; Ronald W. Walker, *Wayward Saints: The Godbeites and Brigham Young* (Urbana: University of Illinois Press, 1994), 295–317; David J. Whittaker, “The Book of Daniel in Early Mormon Thought,” in *By Study and Also By Faith: Essays in Honor of Hugh W. Nibley on the Occasion of His Eightieth Birthday, 27 March 1990*, ed. John M. Lundquist and Stephen D. Ricks, 2 vols. (Salt Lake City: Deseret Book, 1990), 1:155–201.

that Latter-day Saints were not exempt from instigative as well as reactionary violence.<sup>22</sup> The Mormon experience in Missouri and Illinois demonstrates that the Mormons were capable of violence. State-sponsored vigilantes warred against their Mormon counterparts during the early days of the Church in Missouri and Illinois. During those trying times, the Mormons formed a

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<sup>22</sup> Polly Aird, “‘You Nasty Apostates Clear Out’: Reasons for Disaffection in the Late 1850s,” *Journal of Mormon History* 30 (Fall 2004): 129–207; Nels Anderson, *Desert Saints: The Mormon Frontier in Utah* (University of Chicago Press, 1969), 83, 95–99, 222–73; Alexander Baugh, “A Call to Arms: The 1838 Mormon Defense of Northern Missouri” (Ph.D. diss., Brigham Young University, 1971, reprinted by the Joseph Fielding Smith Institute at Brigham Young University, 2000); David L. Bigler, “The Aiken Party Executions and the Utah War, 1857–1858,” *Western Historical Quarterly* 38 (Winter 2007): 457–76; David L. Bigler, *Forgotten Kingdom*; Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge: Harvard University Press, 2006), 226–66; Cannon, “‘Mountain Common Law,’” 308–27; D. Robert Carter, *Founding Fort Utah: Provo’s Native Inhabitants, Early Explorers, and First Year of Settlement* (Provo: Provo City Corporation, 2003), 141–216; Edwin Brown Firmage and Richard Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1830–1900* (Urbana: University of Illinois Press, 1988), 263–78; Craig L. Foster, “Myth v. Reality in the Burt Murder and Harvey Lynching,” 49–57; Craig L. Foster, “The Butler Murder of April 1869,” 105–14; Craig L. Foster, “The Sensational Murder of James R. Hay and Trial of Peter Mortensen,” *Utah Historical Quarterly* 65 (Winter 1997): 25–48; Norman F. Furniss, *The Mormon Conflict, 1850–1859* (New Haven: Yale University Press, 1960); Annette P. Hampshire, *Mormonism in Conflict: The Nauvoo Years* (New York: Edwin Mellen Press, 1985), 227–85; Marvin S. Hill, “Cultural Crisis in the Mormon Kingdom: A Reconsideration of the Causes of Kirtland Dissent,” *Church History* 49 (1980): 286–97; Marvin S. Hill, *Quest for Refuge: The Mormon Flight from American Pluralism* (Salt Lake City: Signature Books, 1989); Stephen C. LeSueur, *The 1838 Mormon War in Missouri* (Columbia, Missouri: University of Missouri Press, 1987); Stephen C. LeSueur, “The Danites Reconsidered: Were They Vigilantes or Just the Mormons’ Version of the Elks Club?” *John Whitmer Historical Association Journal* 14 (1994): 35–51; Brigham D. Madsen, *The Shoshoni Frontier and the Bear River Massacre* (Salt Lake City: University of Utah Press, 1985); Moorman with Sessions, *Camp Floyd and the Mormons*, 231–59; Ardis E. Parshall, “‘Pursue, Retake & Punish’: The 1857 Santa Clara Ambush,” *Utah Historical Quarterly* 73 (Winter 2005): 64–86; John Alton Peterson, *Utah’s Black Hawk War* (Salt Lake City: University of Utah Press, 1998); D. Michael Quinn, *Mormon Hierarchy: Origins of Power* (Salt Lake City: Signature Books in association with Smith Research Associates, 1992), 79–141; D. Michael Quinn, *Extensions of Power*, 226–61; Stanford J. Layton, ed., *Utah’s Lawless Fringe: Stories of True Crime* (Salt Lake City: Signature Books, 2001); Kenneth H. Winn, *Exiles in a Land of Liberty: Mormons in America, 1830–1846* (Chapel Hill: University of North Carolina Press, 1989).

vigilante organization known as the Danites.<sup>23</sup> Originally organized to purge the Church of dissidents, the Danites quickly began to function as special force troops in Latter-day Saint defensive and offensive military maneuvers.<sup>24</sup> The justification for violent tactics was made on both sides by claiming constitutional rights to defend persons, property, and religious freedom. With state-sponsored vigilantes representing popular majorities in both Missouri and Illinois, it is not surprising that many of those warring against the Mormons were rarely charged with crimes against the Saints. The majority sentiment allowed the people to purge their states of the Mormons, whom they saw as a direct threat to their society. The Latter-day Saints did not sit idly by. Mormon vigilantes aggressively defended their rights, and at times also went on the

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<sup>23</sup> Dean C. Jessee, ed., *Papers of Joseph Smith*, 2 vols. (Salt Lake City: Deseret Book, 1989–1992), 2:262. For an introduction to the literature of the Danites in Missouri, see Newell G. Bringhurst and Lavina Fielding Anderson, eds., *Excavating Mormon Pasts: The New Historiography of the Last Half Century* (Salt Lake City: Greg Kofford Books, 2004), 98–104. The names associated with the secret group are various and often veiled in ambiguity; however, they were referred to as the “Brothers of Gideon,” “Destroying Angels,” “Daughters of Zion,” “Big Fan of the Thresher that should purge the floor,” “Sons of Dan,” and “Destroying Angels.” Most knew and referred to the vigilante-style group as the “Danites”; see Dennis O’Sullivan, *Famous Assassinations of History: From the Time of Julius Caesar Down to the Present Day. Embracing the loves, adventures and revenges of many of the great characters who have figured in the dramas of the world. Containing the lives and tragic deaths of the notorious assassins John Wilkes Booth, and Charels J. Guiteau, and a full account of the mysterious assassinations in Phenix Park, Dublin* (New York: Frank Tousey, Publisher, 1882), 86. For further background on the names and duties of the extralegal arm of the Church, see Leland H. Gentry, “The History of the Latter-day Saints in Northern Missouri, 1836–1839” (Ph.D. diss., Brigham Young University, 1965; rep. ed. by Joseph Fielding Smith Institute for LDS History and BYU Studies, 2000), 115; Leland H. Gentry, “The Danite Band of 1838,” *Brigham Young University Studies* 14 no.4 (Summer 1974): 429–30. For the possibility that the name Daughters of Zion referred to the fact that the organizations’ members were known to dress in women’s attire to deceive observers and enemies, see William Smith’s editorial in the Springfield, Illinois, periodical *Sangamo Journal*, “Letter from WM. Smith, Brother of the Late Prophet,” 16 no.3 (5 November 1846).

<sup>24</sup> For the most comprehensive assessments of the Missouri violence, see Baugh, “A Call to Arms,” and LeSueur, *1838 Mormon War in Missouri*. For the conflicts in Illinois, see John E. Hallwas and Roger D. Launius, eds., *Cultures in Conflict: A Documentary History of the Mormon War in Illinois* (Logan: Utah State University Press, 1995); Kenneth W. Godfrey, “Crime and Punishment in Mormon Nauvoo,” *Brigham Young University Studies* 32 (Winter/Spring 1992): 195–228; Marshall Hamilton, “From Assassination to Expulsion: Two Years of Distrust, Hostility, and Violence,” *Brigham Young University Studies* 32 (Winter/Spring 1992): 229–48; Annette P. Hampshire, *Mormonism in Conflict: The Nauvoo Years* (New York: Edwin Mellen Press, 1985); Susan Sessions Rugh, “Conflict in the Countryside: The Mormon Settlement at Macedonia, Illinois,” *Brigham Young University Studies* 32 (Winter/Spring 1992): 149–74.



offensive. A handful of these aggressors were charged with murder and other crimes. However, none was ever formally sentenced.<sup>25</sup>

Scholars agree that the Danites were formally disbanded after the Missouri War as members of this elite militia were conscripted into the newly formed Nauvoo Legion in Illinois.<sup>26</sup> But rumors circulated that the Danites were still functioning within the Mormon militia and the name continued to be notorious.<sup>27</sup> During the short sojourn at Winter Quarters in Nebraska, from October 1846 through the summer of 1848, Brigham Young set up a “committee of vigilance” to help maintain order among the Saints.<sup>28</sup> At this juncture the members focused primarily on keeping order within their own communities that were dispersed along both sides of the Missouri River. They dealt mainly with violations such as stealing, swearing, and bearing false witness within the migrant Mormon community.<sup>29</sup>

Although there is scant evidence to support the claim that the Danite group maintained functionality in the Utah region, many accounts claim that certain previous adherents preserved an autonomous and informal allegiance to the feared rebel militia. Most historians, however,

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<sup>25</sup> Baugh, “A Call to Arms,” 160–63; LeSueur, *1838 Mormon War*, 255–59.

<sup>26</sup> Baugh, “Call to Arms,” 36–40; LeSueur, *1838 Mormon War*, 260–61; Quinn, *Origins of Power*, 102–03. One historian has also demonstrated that many of the former Missouri Danites became members of the police force in Nauvoo, Illinois; see Quinn, *Origins of Power*, 113–17, 217–18.

<sup>27</sup> Terryl L. Givens, *Viper on the Hearth: Mormons, Myths, and the Construction of Heresy* (New York: Oxford University Press, 1997), 121–67.

<sup>28</sup> Andrew Jenson, *Latter-day Saint Biographical Encyclopedia: A Compilation of Biographical Sketches of Prominent Men and Women in the Church of Jesus Christ of Latter-day Saints*, 4 vols. (Salt Lake City: Deseret News, 1901), 1:289.

<sup>29</sup> Edward L. Kimball and Kenneth W. Godfrey, “Law and Order in Winter Quarters,” 32 (Spring 2006): 172–218; Jeremy S. Parkin, “Police Work on the Mormon Trail, 1846–1847” (master’s thesis, California State University Long Beach, 2007).

have maintained that these assertions were merely the perpetuation of erroneous myths.<sup>30</sup> With the dispersion of former Danites across Utah it is possible that Danite vigilantism sustained itself through independent means. It is certainly the case that upon arrival in the Great Basin region the Latter-day Saints were determined not to allow themselves to be bullied or intimidated.<sup>31</sup>

However, there is little evidence that the vigilante actions that took place were directed by high ranking members of the Church's hierarchy, as they had been during the Missouri period.<sup>32</sup>

In the Utah area the social construct was a major facilitator of vigilante sentiment among the populace. During Utah's first half century of existence, most inhabitants were members of the Church of Jesus Christ of Latter-day Saints. The small numbers of non-Mormons living among them, as well as those traveling through the region, were viewed as visitors in a foreign land.<sup>33</sup> The Mormon community was a very tight-knit group that commanded many of the political, social, and communal positions of power. Maintaining the community structure was of utmost concern for Mormon leaders, both religiously and socially. The concern was directly linked to the previous battles with those outside their religion. The communal feeling among the Latter-

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<sup>30</sup> Rebecca Foster Cornwall and Leonard J. Arrington, "Perpetuation of a Myth: Mormon Danites in Five Western Novels, 1840–1890," *Brigham Young University Studies* 23 no.2 (Spring 1983): 147–49, 163–65. For further assertions by Arrington that there were no Danites in Utah, see Arrington, *Brigham Young: American Moses* (Chicago: University of Illinois Press, 1986), 250.

<sup>31</sup> George A. Smith, 24 July 1852, as quoted in JD, 1:42–45, esp. 45; Brigham Young, 19 August 1866, 11:271–82; John Taylor, 6 April 1867, JD, 11:355; Wilford Woodruff, 7 April 1867, JD, 11:369–71; Brigham Young, Brigham Young, 8 October 1868, JD, 12:287–89.

<sup>32</sup> For evidence of hierarchal involvement in the early Danite organization, see LeSueur, *1838 Mormon War in Missouri*, 219–25; LeSueur, "The Danites Reconsidered," 35–51; Quinn, *Origins of Power*, 86–103. While the role of Joseph Smith remains controversial (see Baugh, "A Call to Arms," 40–43; Richard L. Bushman, *Joseph Smith: Rough Stone Rolling*, 249–72; LeSueur, *1838 Mormon War in Missouri*, 43–47; Quinn, *Origins of Power*, 104–85), it is clear that many contemporary and future leaders had direct ties to the Danites.

<sup>33</sup> Demographically the Mormons dominated the major settlements; however, there were areas where they were the minority. Two of the more prominent non-Mormon communities were the north central town of Corinne, located to the west of Brigham City, and Fairfield on the northern rim of Utah Lake, also known as Lake Timpanogos; see Brigham D. Madsen, *Corinne: The Gentile Capital of Utah* (Salt Lake City: Utah State Historical Society, 1980); and Moorman with Sessions, *Camp Floyd and the Mormons*. For information on Utah Lake and the early cartographic errors and name changes, see D. Robert Carter, *Founding Fort Utah*, 8–10, 21–22, 28–29, 80.

day Saints was one of persecution, misunderstanding and oppression. Inevitably the clash of cultural interests among Mormons and Gentiles afforded the majority (i.e. the Mormons) with the means to justify the use of vigilante justice against minority groups under their sovereignty.

While the religious factor was central to the community's cohesion, it was within a civil-social framework that Utahans rationalized the use of vigilantism. The history of the Mormons' sojourn in Missouri and Illinois influenced the very aggressive approach of the Utah Mormon community towards dissidents from their faith, as well as towards antagonistic Gentile migrants and citizens.<sup>34</sup> Conflicting loyalties, a large influx of Gentiles moving through the Utah region, and a history of being a persecuted minority combined with certain theological tenets, organizations, and covenants within Mormonism to give Utah a unique social atmosphere that lent itself to the use of extralegal methods on behalf of the Mormon people.

The most prominent and misunderstood religious teaching that undergirded the violence in Mormon-dominated locales was the doctrine of Blood Atonement. Advocated by certain leaders in the Mormon hierarchy, Blood Atonement advanced the notion that forgiveness for certain crimes required the blood of the sinner to be shed in order for true penance to be achieved.<sup>35</sup> With its emergence during the 1838 Mormon War and renewed notoriety during the 1857 Utah War, Blood Atonement has confounded contemporary and modern scholars. Many have tried in vain to unravel the mystery of the doctrinal tenet by using it as a template to interpret any and all violent acts carried out by Mormons in the region. In fact, not long after establishing residency in the West the popular press cavalierly attributed "almost every murder in

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<sup>34</sup> William P. MacKinnon, "'Lonely Bones': Leadership and Utah War Violence," *Journal of Mormon History* 33 no.1 (Spring 2007): 171.

<sup>35</sup> L. Kay Gillespie, *The Unforgiven: Utah's Executed Men* (Salt Lake City: Signature Books, 1991), 11–16; Quinn, *Extensions of Power*, 249–51.

Utah Territory to blood atonement.”<sup>36</sup> This is a simplistic and narrow explanation that many have used to draw similarly prejudiced conclusions about the people of Utah, both past and present.<sup>37</sup> The fallacy that Blood Atonement was connected to the majority of violent acts in Utah is based on a misunderstanding of the Mormons and a lack of knowledge in the history of the West. This teaching has cast an unnecessarily long shadow over the history and interpretation of Mormons in the West.

For far too long it has been assumed that the majority of violence in Utah was directly linked to Blood Atonement. There were many reasons that impelled Utahans to use violence, the least of which was to shed the blood of a sinner. The teaching was not intended for those outside the Mormon faith. Founded in scriptures from the Bible (e.g. Genesis 9:6, Hebrews 9:22, Leviticus 17:11, and 1 John 3:15) the Saints were taught that to live in strict obedience to God’s commands and avert the penalties associated with certain sins, primarily murder.<sup>38</sup> Entrance into the Church required individuals to sacrifice the natural man and adhere to a higher law. They bound themselves through covenants of baptism and confirmation of the Holy Spirit. For the truly dedicated Saints, ordinances in sacred Temples were made between them and God. These pledges were not trivial pursuits, but solemn commitments to live a godly life. By the mid-1850s leaders began to push members towards a re-committal to the faith, to forsake their wrongs and

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<sup>36</sup> Will Bagley, *Blood of the Prophets: Brigham Young and the Massacre at Mountain Meadows* (Norman: University of Oklahoma Press, 2002), 52.

<sup>37</sup> For the most recent examples of this vacuum approach to understanding violence within Mormonism, see Jon Krakauer, *Under the Banner of Heaven: A Story of Violent Faith* (New York: Doubleday, 2003) and Sally Denton, *American Massacre: The Tragedy at Mountain Meadows, September 1857* (New York: Alfred A. Knopf, 2003).

<sup>38</sup> Charles Penrose, *Blood Atonement as Taught by the Leading Elders of the Church of Jesus Christ of Latter-day Saints: An Address Delivered at the Twelfth Ward Assembly Hall, Salt Lake City, October 12<sup>th</sup> 1884 by Charles W. Penrose and reported by John Irvine* (Salt Lake City: Juvenile Instructor Office, 12 October 1884), 11–12, 21.

begin anew. This Reformation swept across the land with fervor as Apostle Jedediah M. Grant and others thundered repentance and obedience throughout the territory.<sup>39</sup>

The flames of the Reformation flickered and died out by 1858, but the accusations of Blood Atonement as a central theme among Utah's religious community continued to flourish. After numerous legislative inquiries and investigations into Utah and its people, a group of lawyers and politicians attempted to expose the Mormons for their blood thirsty acts. The venue was the naturalization hearings of a group of immigrant Mormon converts. However, citizenship was not the real issue. Prosecutors aimed to demonstrate how Blood Atonement was the root of countless murders in the territory. Witnesses from both sides were called upon to testify. The hearings were antagonistic and trod on sacred rituals of the Mormons. At one point the Church's defense attorneys objected to the questions so rigorously that the Judge had them take the stand and give their testimonies. The Church was on trial, not the immigrant converts.<sup>40</sup>

The majority of extralegal violence in Utah was a result of the frontier, not the religion of the Mormons. The territory had its fair share of colorful characters both inside and outside the Church. Cattle rustling gangs were a menace to society and battled for territorial preeminence. Highwaymen robbed and plundered migrants as they passed in and out of the territory—some disguised as Indians. Local thugs, thieves, and gamblers preyed on hardworking citizens. There

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<sup>39</sup> For the preeminence of the Reformation topic, see nearly all the discourses found in volume four of the *Journal of Discourses*. For historical context, see Ronald W. Walker, "Sheaves, Bucklers, and Saints: Mormon Leaders Respond to the Dilemmas of War," *Sunstone* 7, no.4 (July/August 1982): 43–56; Gustive O. Larsen, "The Mormon Reformation," *Utah Historical Quarterly* 26 (January 1958): 45–63; Paul H. Peterson, "The Mormon Reformation of 1856–1857: Rhetoric and Reality," *Journal of Mormon History* 15 (1989): 59–87.

<sup>40</sup> Henry G. McMillan, *The Inside of Mormonism: A Judicial Examination of the Endowment Oaths Administered in all the Mormon Temples, by the United States District Court for the Third Judicial District of Utah, to Determine Whether Membership in the Mormon Church is Consistent with Citizenship in the United States* (Salt Lake City: Utah Americans, 1903). For the political context, see Edward Leo Lyman, "The Political Context of the Woodruff Manifesto," *Dialogue* 24 no.3 (Fall 1991): 21–39; Edward Leo Lyman, *Political Deliverance: The Mormon Quest for Utah Statehood* (Urbana and Chicago: University of Illinois Press, 1986), 96–149, esp. 113–14.

was no shortage of outlaws, nor was there a shortage of citizens and authorities capable and willing to go beyond the bounds of legal authority in order to maintain order within the territory. Numerous factors led to conflicts of interests and, as was common during this time, violence became a part of life for early Utahans.

One of the ongoing debates among historians of extralegal culture is determining how violent the West really was.<sup>41</sup> Although one southern historian has commented on the futility of such arguments,<sup>42</sup> awareness of the varying degrees of aggression is helpful as long as it does not distract from the uniqueness of the specific peoples, circumstances, and duration of the hostilities.<sup>43</sup> All regions of the United States experienced upheavals in hostility and aggression in the second half of the nineteenth century. It is no surprise that the decades prior to and following the Civil War were ones of turmoil and confusion—periods when violence was not only prevalent but acknowledged as proper recourse. Utahans were no exception. Tax evaders, marauders, rapists, thieves, and antagonists were dealt with heavily and swiftly. Consensus can

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<sup>41</sup> For arguments against the West as an extraordinarily violent region, see Robert R. Dykstra, “Quantifying the Wild West: The Problematic Statistics of Frontier Violence,” *Western Historical Quarterly* 40 no.3 (Autumn 2009): 321–47; Robert R. Dykstra, “Overdosing on Dodge City,” *Western Historical Quarterly* 27 no.4 (Winter 1996): 505–14; W. Eugene Hollon, *Frontier Violence: Another Look* (New York: Oxford University Press, 1974); Stewart L. Udall, Robert R. Dykstra, Michael A. Bellesiles, Paul Mitchell Marks, Gregory H. Nobles, “How the West Got Wild: American Media and Frontier Violence, A Roundtable,” *Western Historical Quarterly* 31 no.3 (Autumn 2000): 277–95. For opposing arguments, see Brown, *Strain of Violence*; Richard Maxwell Brown, *No Duty to Retreat: Violence and Values in American History and Society* (New York: Oxford University Press, 1991); Richard Maxwell Brown, “Law and Order on the American Frontier: The Western Civil War of Incorporation,” in *Law for the Elephant, Law for the Beaver: Essays in the Legal History of the North American West*, ed. John McLaren, Hamar Foster, and Chet Orloff (Regina & Pasadena: Canadian Plains Research Center and the Ninth Judicial Circuit Historical Society, 1992), 74–89; Richard Maxwell Brown, “Western Violence: Structure, Values, Myth,” *Western Historical Quarterly* 24 no. 1 (Feb. 1993): 4–20; Richard Maxwell Brown, “Violence,” chapter eleven of *The Oxford History of the American West*; Roger D. McGrath, *Gunfighters, Highwaymen and Vigilantes: Violence on the Frontier* (Berkeley: University of California Press, 1984); Richard Maxwell Brown, “Violence and Lawlessness on the Western Frontier,” in *Violence in America: The History of Crime*, ed. Ted Robert Gurr (Newbury Park, London: Sage Publications, 1989), 1:122–45; Clare V. McKanna, Jr., “Alcohol, Handguns, and Homicide in the American West: A Tale of Three Counties, 1880–1920,” *Western Historical Quarterly* 26 no.4 (Winter 1995): 455–82; Clare V. McKanna, Jr., *Homicide, Race, and Justice in the American West, 1880–1920* (Phoenix: University of Arizona Press, 1997).

<sup>42</sup> Pfeifer, *Rough Justice*, 6.

<sup>43</sup> Grimsted, “Making Violence Relevant,” *Reviews in American History* 4 no.3 (Sep. 1976): 334.

be reached that violence did occur in Utah; more often than not criminality was dealt with through the existing court system, which the Mormons utilized effectively. Nonetheless, at times individuals, posses, and committees of disgruntled citizens rationalized extralegal means to deal with criminals.

Utahans *did* employ vigilantism, like most other locales, as a means of maintaining the existing social structure. It is the purpose of this examination to demonstrate how residents, leaders, and visitors in Utah justified the use of extrajudicial proceedings during the territorial period. Due to the dearth of secondary sources that deal specifically with the extralegal parameters in Utah, it will be necessary to examine the contemporary accounts left by observers and participants alike.<sup>44</sup> However, overt military actions will not be included. Rather, the focus will be upon incidents, peoples, and actions that utilized extralegal means of retribution. Similarly, it is necessary to recognize the preconditions essential to categorize a violent incident as vigilante in nature. Not all acts of violence were verifiably extralegal. Many were merely illegal, and others more complex. As will be demonstrated, going beyond the bounds of justice was often an extremely subjective matter. There are many instances where individuals working within the legal system went well beyond established precedents in their dealings with criminals, rowdies, and undesirables. In other cases, persons responded to threats, aggression, and other forms of outright violence or intimidation by taking the law into their own hands. How others interpreted these acts usually was dependent upon their social relationship to the perpetrators and victims of extralegal action.

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<sup>44</sup> The works that deal directly or tangentially with Utah's extralegal culture during the pre-statehood era are primarily those by Craig L. Foster, Kenneth L. Cannon, David L. Bigler, and D. Michael Quinn. For their contributions, plus others, see page 7 n20 herein.

The territorial age spans a time when extralegal violence scorched the United States. While the South experienced a surge in summary justice that eventually fractured the country and engulfed it in the bloodiest war to date, vigilance committees were running rampant throughout the western part of the United States. Infamous bands marauded through South Carolina, Montana, Colorado, Arizona New Mexico, Texas, and many other locales. The primary aim of this work will be to demonstrate the motivations, structure, and justifications given for similar posses in Utah during this era of vigilantism.<sup>45</sup>

This study will address the issue of extralegal violence in Utah in four parts, beginning with an exploration into the historiography of vigilantism in the West while paying special attention to the academic exclusion of Utah in the most prominent studies of extralegal violence. The acceptance, justification, and reality of extrajudicial violence on Utah's borderlands will be addressed in the first chapter. The following chapter will outline and discuss these actions within the central communities of the Territory. This first section asserts that the many episodes of bloodshed are to be understood and categorized among the countless episodes of western extralegal violence. The next section deals with some of the major myths that have led many to misinterpret Utah violence. Chapter three argues for a new understanding of the impact of tax collection in Utah and the role it played in prompting extralegal action and myth. Chapter four aims to dispel the historical falsehoods regarding Blood Atonement as a teaching and a practice among pre-Statehood Mormons. In the end this thesis aims to properly place the Utah Territory

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<sup>45</sup> Howard W. Lamar, *The Far Southwest, 1856–1912: A Territorial History*, rev. ed. (Albuquerque: University of New Mexico Press, 2000), 265–357. The Mormons arrived in the Great Basin region in 1847 but did not attain territorial status until September 1850. The path to statehood would be an ongoing struggle between Utah's leaders and the United States government. After endless quarreling, petitions, and accusations, the protracted battle between the Mormons and the government resulted in statehood for Utah in 1896, nearly half a century after settlement.



in the broader framework of extralegal violence in the West and expand the historical understanding of summary justice in pre-statehood Utah.

## Chapter 2

### An American Tradition: The Historiography of Extralegal Violence in the United States

*Since, as we saw, the lawless person is unjust and the lawful just, it is clear that whatever is lawful is in some way just; for the things laid down by legislative science are lawful, and each of these we describe as just. The laws have something to say about everything, their aim being the common interest either of all the citizens, or of the best, or of those in power, or of some other such group. So, in one sense, we call anything just that tends to produce or to preserve happiness and its constituents for the community of a city.*

—Aristotle<sup>1</sup>

The logic behind extralegal justice has deep roots in America's historically violent past. The Revolutionary War was an "extra-legal" affair and Civil War historian David Grimsted has demonstrated the centrality of the South's affinity for mobocracy as the primary factor in the onset of the war itself.<sup>2</sup> It is clear that in the West vigilantism did not arise in an historical vacuum. Acceptance and maturation of the vigilante ideal developed within the turbulent cauldron of the antebellum era and progressed greatly in the post-Civil War periods and its clash with the ordered and incorporative spirit of the Reconstruction era. Not until the waning of the Gilded Age did vigilantism begin to lose favor among the masses of the West. Before its dissolution vigilantism had left a major imprint on the West and its people.

Central to scholarly examinations of extralegal violence in the western regions is the question of the pervasiveness of violence. Two major schools of thought dominate and, not surprisingly, are at odds with one another. Both camps agree on certain aspects of vigilante

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<sup>1</sup> Aristotle, *Nicomachean Ethics*, trans. and ed. Roger Crisp (United Kingdom: Cambridge University Press, 2001), 82.

<sup>2</sup> Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765–1776* (New York: Alfred A. Knopf, 1972), 10; David Grimsted, *American Mobbing, 1828–1861: Toward Civil War* (New York: Oxford University Press, 1998).

culture, yet neither agrees on the overall impact and frequency of aggressive acts. By examining the development of the scholarship it will be clearly apparent that there are many areas to be explored in order to better understand the impact of violence on a specific culture and the cultural effects on violence. As will be shown, Utah and the Mormons provide an ideal context to study these quandaries and advance understanding of the historical nature of extralegal means of justice.

As mentioned previously, the Latter-day Saint acceptance of extralegal aggression was one of the major factors for their expulsion from Missouri and Illinois. Although the well-known and feared Mormon vigilantes, the Danites, formally disbanded shortly after expulsion from Illinois, the Mormon leadership utilized vigilance committees as they migrated west.<sup>3</sup> Rumors of marauding Danites persisted in the collective memory and were extolled in dime novels and other popular literature.<sup>4</sup> While many claimed Daniteism was alive and well in Utah's early days, the exhaustive research of Leonard Arrington leaves room for few questions. He adamantly declared that accusations of Daniteism in Utah were unfounded in historical reality and any work claiming otherwise begins with the "false assumption that there was a functioning Danite organization in Utah."<sup>5</sup> Even so, it begs further inquiry into the possibility of former Danites

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<sup>3</sup> Edward L. Kimball and Kenneth W. Godfrey, "Law and Order in Winter Quarters," *Journal of Mormon History* 32 no.1 (Spring 2006): 172–218; Jeremy S. Parkin, "Police Work on the Mormon Trail, 1846–1847" (master's thesis, California State University Long Beach, 2007), 41–53.

<sup>4</sup> For a discussion on the contemporary authors who included Mormon violence in their fictional writings, see Leonard J. Arrington and Jon Haupt, "Intolerable Zion: The Image of Mormonism in Nineteenth Century American Literature," *Western Humanities Review* 22 (Summer 1968): 243–60; Neal Lambert, "Saints, Sinners and Scribes: A Look at the Mormons in Fiction," *Utah Historical Quarterly* 36 (Winter 1968): 63–76; Terry L. Givens, *Viper on the Hearth: Mormons, Myths, and the Construction of Heresy* (New York: Oxford University Press, 1997), 124–25, 141–48, 161.

<sup>5</sup> Rebecca Foster Cornwall and Leonard J. Arrington, "Perpetuation of a Myth: Mormon Danites in Five Western Novels, 1840–1890," *Brigham Young University Studies* 23 no.2 (Spring 1983): 149.

operating in small contingents or autonomous units—not as a central cohesive organization as they did during the Missouri period.<sup>6</sup>

Existence of Danites is an important point but by no means does it stand alone as the sole issue for deciphering extralegal violence in Utah. In one of the only examinations of the region's extralegal ethos Kenneth Cannon accentuated the unique ideology of law inherent in early Utah.<sup>7</sup> To this day Cannon's article stands as the only academically integrated study of Utah legalities in the context of the overall western proclivity for extralegal justice.<sup>8</sup> However, Cannon's conclusions acquiesced in the accepted tradition, set forth by Hubert Howe Bancroft then galvanized later by Richard Brown, that violent measures did occur in Utah but are not be categorized as extralegal in nature.<sup>9</sup>

Political, social, and religious factors make the process of understanding violence in the region difficult, but not impossible. The two major studies of the Mormon War give much needed

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<sup>6</sup> Two of the more colorful characters in Utah's early history are William Adams Hickman and Orrin Porter Rockwell. Both men were labeled Danite Chiefs of Utah and are commonly pinned as carrying on the Danite tradition in Utah. Rockwell died in full-fellowship of the Church while Hickman left the LDS Church years before his death. For more information regarding their deeds and their alleged ties to the Utah Danites, see William A. Hickman, *Brigham's Destroying Angel: Being the Life, Confession, and Startling Disclosures of the Notorious Bill Hickman, the Danite Chief of Utah* (Salt Lake City: Shepard Publishing Co., 1904); Hope A. Hilton, "Wild Bill" Hickman and the Mormon Frontier (Salt Lake City: Signature Books, 1988); Harold Schindler, *Orrin Porter Rockwell: Man of God, Son of Thunder*, 2<sup>nd</sup> ed. (Salt Lake City: University of Utah Press, 1983). Both biographies detail much concerning the Utah period and connect both men, along with many others, to a long list of alleged murders and crimes for which neither was ever fully prosecuted.

<sup>7</sup> Kenneth L. Cannon, "'Mountain Common Law': The Extralegal Punishment of Seducers in Early Utah," *Utah Historical Quarterly* 51 no.4 (Fall 1983): 308–27.

<sup>8</sup> An award winning history of the early Utah period focuses on many of the extralegal dealings in the territory through the lens of kingdom building and demonstrates that the millennial world of early Utah Mormonism was, to a degree, a "militant movement," but the tumultuous times must be viewed in accordance with the historical standards of the time. See David L. Bigler, *Forgotten Kingdom: The Mormon Theocracy in the American West, 1847–1896* (Logan, Utah: Utah State University Press, 1998), 16. The most notable example prior to Bigler is Klaus J. Hansen, *Quest for Empire: The Political Kingdom of God and the Council of Fifty in Mormon History* (Lincoln: University of Nebraska Press, 1974). A more recent study that demonstrates the violent nature of settlement in the west is Robert D. Carter, *The Founding of Fort Utah: Provo's Native Inhabitants, Early Explorers, and First Year of Settlement* (Provo, Utah: Provo City Co., 2003).

<sup>9</sup> Cannon, "'Mountain Common Law,'" 308–10.

context to the struggles inflicted upon the young Territory. These histories demonstrate the impact emigrants and the U.S. Army had on the conservative social structure of Utah. Regardless of the religious and social agendas, Utah found itself developing like any other frontier territory. From migration taxes to drunk and disorderly disputes, the people of Utah experienced countless motives for the use of extralegal violence.<sup>10</sup>

The Native American presence in the Utah Territory is another important factor that has received much scholarly attention as of late. Ned Blackhawk and Paul Reeve have contributed to our understanding of the sometimes volatile relationship between the numerous tribes and their newfound neighbors. While much of the violence between Utah residents and Native Americans will not be analyzed due to state and federal military involvement, comprehending the social environment between the various groups allows for a more nuanced understanding.<sup>11</sup>

An important factor in the study of extralegal violence in Utah comes from determining the motive and means. Examinations of hierarchal discourse indicate that much of the fiery speech from the leadership was merely rhetorical weaponry to keep enemies at bay.<sup>12</sup> These scholars view the territory as generally non-violent. While the opposing argument does not portray Utah to be in a bloody frenzy, they demonstrate that the region suffered its fair share of

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<sup>10</sup> Norman F. Furniss, *The Mormon Conflict, 1850–1859* (New Haven: Yale University Press, 1960); and Donald R. Moorman with Gene A. Sessions, *Camp Floyd and the Mormons: The Utah War* (Salt Lake: University of Utah Press, 1992).

<sup>11</sup> Ned Blackhawk, *Violence over the Land: Indians and Empires in the Early American West* (Cambridge: Harvard University Press, 2006) and Paul Reeve, *Making Space on the Western Frontier: Mormons, Miners, and Southern Paiutes* (Urbana: University of Illinois Press, 2006). For previous works on Native American conflicts in Utah, see Sondra Jones, “Saints or Sinners? The Evolving Perceptions of Mormon-Indian Relations in Utah Historiography,” *Utah Historical Quarterly* 72 no.1 (Winter 2004): 19–46.

<sup>12</sup> Ronald W. Walker, “Sheaves, Bucklers, and Saints: Mormon Leaders Respond to the Dilemmas of War,” *Sunstone* 7, no.4 (July/August 1982): 43–56. See similar statements by Walker in his article, “Raining Pitchforks: Brigham Young As Preacher,” *Sunstone* 8 no.3 (May/June 1983): 4–9. For other articles that reinforce Walker’s thesis by examining Utah’s Reformation, see Gustive O. Larsen, “The Mormon Reformation,” *Utah Historical Quarterly* 26 (January 1958): 45–63; Paul H. Peterson, “The Mormon Reformation of 1856–1857: Rhetoric and Reality,” *Journal of Mormon History* 15 (1989): 59–87.

extralegal justice.<sup>13</sup> Engaged in the nuances surrounding vigilantism in the West, historians have been careful not to make too many direct connections between the internal violence among the people and the institutional hierarchy. Regardless, some writers have ignored the subtleties and posited direct connections between domestic crimes and the institutional Mormon Church. These works are filled with tantalizing anecdotes that are based on tangential information at best and extraneous at worst.<sup>14</sup>

It is no secret that Utah is filled with distinct contours that have vexed researchers and students of the area for decades. In fact, the foremost historians of violence in the region have come to similar conclusions, namely, that the uniqueness of the people and culture of Utah—primarily its theocratic beginnings—render it impossible to distinguish between religious zealotry and vigilante violence.<sup>15</sup> The father of vigilante studies, Richard Maxwell Brown, agreed with notions of Mormonism’s theocratic juggernaut, leading him to dismiss the existence of extralegal violence in the territory.<sup>16</sup> D. Michael Quinn accepted the notion that many incidents were not directly connected to the institutional church, but cast doubts on the long-held notion that Brigham Young and other Mormon leaders’ violent threats and insinuations were nothing more than rhetorical weapons. Based on extensive primary research, Quinn paved the way for future students of violence in Utah. Another contributor, Craig L. Foster, has contributed

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<sup>13</sup> Will Bagley, *Blood of the Prophets: Brigham Young and the Massacre at Mountain Meadows* (Norman: University of Oklahoma Press, 2002); Bigler, *Forgotten Kingdom*; Furniss, *Mormon Conflict*; Moorman with Sessions, *Camp Floyd and the Mormons*; D. Michael Quinn, *Mormon Hierarchy: Extensions of Power* (Salt Lake City: Signature Books, 1997).

<sup>14</sup> For example, see Jon Krakauer, *Under the Banner of Heaven: A Story of Violent Faith* (New York: Doubleday, 2003).

<sup>15</sup> Quinn, *Extensions of Power*, 226–61; esp. 259–61; Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York and Oxford: Oxford University Press, 1975), 101–03. See similar arguments in Bagley, *Blood of the Prophets*, 38–54; Bigler, *Forgotten Kingdom*, 141–99.

<sup>16</sup> Brown, *Strain of Violence*, 101–03.

much to studies of extralegal violence in the Mormon territory by addressing specific incidents of extrajudicial proceedings in great detail.<sup>17</sup> Like Quinn, Foster detects evidence of the American West's penchant for vigilantism and posits it as a possible stimulus to the culture of violence in Utah.<sup>18</sup>

Evidence of this fact is found in the disproportionate amount of study regarding the killing of over one hundred men, women, and children at Mountain Meadows, Utah in September 1857. While little is known regarding violence in Utah as a whole, nearly all people are familiar with the massacre of the Arkansas emigrants. The bloody encounter galvanized the political perception that Utah was in a state of rebellion, unwilling to abide federal governance or law. For outsiders the act agitated already tenuous impressions of a people that seemed to continually be involved in armed conflict with their neighbors. As for the Mormons themselves, the macabre incident seemed to have one of two effects: either to drive one away from the faith, or, draw one closer. The latter group did not necessarily condone the murders; rather, many considered the act as not an act of the Church, but the act of individual Mormons.

The scholarship concerning the massacre generally falls into one of two camps—those who believe the Church leadership directed and condoned the slaughter and those that consider the hierarchy innocent. It must be understood that there is no smoking gun for either side when it comes to tragic events of September 1857. In fact, diarists and copious note takers of the period

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<sup>17</sup> Craig L. Foster, "The Sensational Murder of James R. Hay and Trial of Peter Mortensen," *Utah Historical Quarterly* 65 (Winter 1997): 25–48; Craig L. Foster, "The Butler Murder of April 1869: A Look at Extralegal Punishment in Utah," *Mormon Historical Studies* 2 (Fall 2001): 308–27; Craig L. Foster, "Myth v. Reality in the Burt Murder and Harvey Lynching," *Journal of the West* 43 (Fall 2004): 49–57.

<sup>18</sup> Quinn, *Extensions of Power*, 259–60; Foster, "The Butler Murder of April 1869," 111–12.

are silent during this time.<sup>19</sup> The school of thought that lays the fate of the murdered at Brigham's feet does so by giving precedence to the problematic theological tenet of Blood Atonement and its teaching during the Mormon Reformation, 1856-1858. Underlying this is the emphasis on anti-governmental sentiments held by many Mormons leaders at the time and their difficult relationship with official representatives.<sup>20</sup> The opposing camp comprises mainly adherents of the Mormon faith who have been revising and adding to the research of Juanita Brooks' *Mountain Meadows Massacre* that was originally published in 1950.<sup>21</sup> As a benchmark, the study dispelled the pervasive folklore surrounding the event and outlined the gruesome account of how the Mormons had been the main culprits in the killing.<sup>22</sup>

While many within the Church criticized Brooks' depiction of the event when it was first published, the Mormon leadership authorized its historians to revisit the incident in an attempt to

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<sup>19</sup> Due to his role in the murder, John D. Lee's diaries have always been of paramount importance. Lee was a voracious writer who documented his activities from 1848 until 1876. His writings have assisted historians greatly; unfortunately, there is no surviving record from September 1849 until December 1857; see John D. Lee, *A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876*, 2 vols., ed. Robert Glass Cleland and Juanita Brooks (San Marino: Huntington Library Press, 2003), 1:113, 139. Another noted diarist was Edward Stevenson who kept an extensive and well-detailed record from 1852 to 1894. He is quite diligent up until 1855, with his last entry being 22 June, and there is no other writing until 16 January 1859; see Journals of Edward Stevenson, 1820-1897, box 1, folder 2, 3, L. Tom Perry Special Collections, Brigham Young University. For other references, see Quinn, *Extensions of Power*, 542n235.

<sup>20</sup> The most recognized and scholarly work in this school of thought is, Bagley, *Blood of the Prophets*. See also Sally Denton, *American Massacre: The Tragedy at Mountain Meadows, September 1857* (New York: Alfred A. Knopf, 2003); Krakauer, *Under the Banner of Heaven*, 206-48. While Krakauer's book is not specifically about the massacre, it takes up a large portion of his book and is crucial in his thesis that the tenets of Mormonism have soaked their history in blood.

<sup>21</sup> Juanita Brooks, *The Mountain Meadows Massacre*, new ed. (Norman: University of Oklahoma Press, 1991).

<sup>22</sup> Brooks' scholarship garnered much criticism from fellow Mormons and drew the attention of many Church authorities. For details surrounding the controversy, see Levi S. Peterson, *Juanita Brooks: Mormon Woman Historian* (Salt Lake City: University of Utah Press and Tanner Trust Fund, 1988), 2-6, 174-243. Brooks' continued scholarship led her to an investigation into the life of the only man ever to be officially tried for the colossal crime; see Brooks, *John Doyle Lee: Zealot, Pioneer Builder, Scapegoat* (Salt Lake City: Howe Brothers, 1985).



demonstrate “[t]horoughness and candor” in honor of the deceased.<sup>23</sup> Granted unprecedented access, the scholars were able to add much context to the overall story of the individuals involved, their degree of participation, and the communication between Salt Lake City and the remote settlement to the south.

The evidence of religious motivation in the catastrophe at Mountain Meadows has impelled many to agree that it will “always be impossible to determine how many violent deaths occurred for theocratic reasons and how many merely reflected the American West’s pattern of violence.”<sup>24</sup> The latest publications on extralegal violence in Utah provide penetrating insights into the culture of fear that imposed itself upon potential Danite targets (i.e. dissenters and gentiles). As pointed out by Norman Furniss in 1960, “a large portion of the Gentiles took at face value the charges of William Smith and others that the Mormons had formed a secret, armed band, known as Danites, sworn to shed the blood of non-believers.”<sup>25</sup> The reality of this fear and its impact on Mormons and non-Mormons alike underlies the writings of Ardis Parshall and Polly Aird. The former examines how the pervading fear of Brigham Young’s Destroying Angels has skewed the historical reality of many violent occurrences in the Great Basin region. Parshall exonerates Brigham Young’s Danites by providing the proper context for an ambush in Santa Clara, Utah in 1857 that many had erroneously attributed to Danites.<sup>26</sup> Aird’s article also addresses the terror that resonated throughout the regions dominated by Mormon peoples and

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<sup>23</sup> Ronald W. Walker, Richard E. Turley, and Glen M. Leonard, *Massacre at Mountain Meadows* (New York: Oxford University Press, 2008), x.

<sup>24</sup> Quinn, *Extensions of Power*, 260.

<sup>25</sup> Furniss, *Mormon Conflict*, 12.

<sup>26</sup> Ardis E. Parshall, “‘Pursue, Retake & Punish’: The 1857 Santa Clara Ambush,” *Utah Historical Quarterly* 73 no.1 (Winter 2005): 64–86.

demonstrates how this panic led to the exodus of many out of the Utah area in search of a better home.<sup>27</sup>

While the scholarship has progressed greatly, historians of Utah have yet to integrate the vast literature of extralegal violence into their studies of local interest. Historians of the West have also neglected to include Utah within their investigations. What follows is a historiography of the most important and prominent works dealing with extralegal violence in the West. Understanding the larger debates concerning vigilante-style justice can only enhance the investigation of extralegal parameters in territorial Utah. This literature makes it possible to distinguish between religiously motivated killing and those connected to the “pattern of violence” in the American West. Moreover, historical studies can provide needed analogies for comprehending the culture of former Danites in the Utah region. Finally, correct portrayal of the context of extralegal dealings in Utah will contribute greatly to answering the complex questions regarding violence in the American West.

Early studies of extralegal justice viewed the movement through a Turnerian lens: as people moved away from civilization they relied on primitive justice systems.<sup>28</sup> Case studies focused on the infamous vigilantes of Montana and San Francisco.<sup>29</sup> One of the first explorations of extralegal culture asserts that vigilance committees were a popular and astute method of crime

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<sup>27</sup> Polly Aird, “‘You Nasty Apostates, Clear Out’: Reasons for Disaffections in the Late 1850s,” *Journal of Mormon History* 30 no.2 (Fall 2004): 129–07. One of the main factors for each of the seven individuals was fear of the Danites; *ibid.*, 142–43, 165–202.

<sup>28</sup> Wayne Gard, *Frontier Justice* (Norman: University of Oklahoma Press, 1949).

<sup>29</sup> Hubert Howe Bancroft, *Popular Tribunals*, 2 vols. (San Francisco: The History Company Publishers, 1887); Hoffman Birney, *Vigilante: Chronicle of the Rise and Fall of the Plummer Gang of Outlaws in and about Virginia City, Montana in the Early '60's* (Philadelphia: The Penn Publishing Co., 1929); Alan Chester Valentine, *Vigilante Justice* (New York: Reynal, 1956). Another notable contribution came from Stanton A. Coblentz's *Villians and Vigilantes: The Story of James King of William and Pioneer Justice in California* (New York: Wilson-Erickson Inc., 1936).

prevention that served to usher in an era of judicially based law.<sup>30</sup> These early works traced the progression of public involvement in organizing and dealing with lawlessness in their communities by implementing popular tribunals to deal with unwanted or unruly characters. Frontier justice, as it was commonly termed, was order imposed by the people, for the people.<sup>31</sup>

Rigorous scholarly debate concerning vigilantism originated with *The Cattle Towns*, a quantitative exposé on the nonviolence inherent during the cattle drives in Abilene, Dodge City, Ellsworth, Wichita, and Coldwell.<sup>32</sup> The author, Robert Dykstra, sought to challenge the modern mythologies of the Wild West as an exceedingly violent locale.<sup>33</sup> According to his analysis the lawlessness in the western regions of the United States was largely misunderstood and exaggerated by popular culture. Being one of the pioneers in the field of the culture of violence in the west, Dykstra offered an important perspective that did not go unnoticed.

Richard Maxwell Brown began challenging Dykstra's thesis by arguing that violence was pervasive in American history—itsself rooted in the extralegal tradition.<sup>34</sup> In fact, Brown's first book posited the view that the vigilance committee mentality was born in 1767 with the formation of the South Carolina Regulators.<sup>35</sup> The ideological omnipresence of popular sovereignty produced, according to Brown, a predisposition to extrajudicial violence. When

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<sup>30</sup> Gard, *Frontier Justice*, 149–67.

<sup>31</sup> Ibid; Barton Clark Olsen, "Lawlessness and Vigilantes in America: An Historical Analysis Emphasizing California and Montana," (Ph.D diss., University of Utah, 1968), 175–89.

<sup>32</sup> Robert R. Dykstra, *The Cattle Towns* (New York: Alfred A. Knopf, 1968), 144–46.

<sup>33</sup> Contributing to the field of study in 1960 John Walton Caughey's, *Their Majesties, the Mob: The Vigilante Impulse in America* (Chicago: University of Chicago Press, 1960) compiled fifty different accounts from newspapers and other sources highlighting the activities of various vigilante groups.

<sup>34</sup> Brown's two articles were published in Hugh Davis Graham and Ted Robert Gurr, eds., *Violence in America: Historical and Comparative Perspectives* (New York: Bantam Book, 1969).

<sup>35</sup> Richard Maxwell Brown, *The South Carolina Regulators* (Cambridge: Harvard University Press, 1963).

sanctioned by the majority of citizens extralegal violence achieved a status comparable to police aggression, American wars, agrarian uprisings and labor unions—unfortunate but necessary.<sup>36</sup> His study portrayed vigilante hostility as commonly devoid of illegal motives.<sup>37</sup>

In some ways Brown can be considered the father of studies on extralegal violence; his article “The American Vigilante Tradition” was an extremely well researched investigation of the historical origins of the extralegal culture, providing the first scholarly contribution of its kind.<sup>38</sup> Of particular importance was the three-tiered social structure model that assisted scholars in understanding the culture. Reminiscent of Marx, Brown posited the instigators and directors of extralegal justice at the top and middle, victims being those composing the lower-class.<sup>39</sup> Aimed at enhancing the social structure, vigilantism created, to a degree, forms of class warfare throughout the frontier settlements. The underlying problems associated with the inadequate legal systems nurtured the paradox of legal and extralegal, allowing for supporters of extralegal means to justify their position. Critics of vigilantism inhabited nearly all communities. However, ambiguity and social power muffled the opposition as vigilantism swept across the West.<sup>40</sup>

Following this compilation Brown edited two documentary readers that aimed at providing the public with important primary source materials associated with vigilante

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<sup>36</sup> Richard Maxwell Brown, “Historical Patterns of Violence in America,” in Graham, *Violence in America*, 45–84.

<sup>37</sup> Brown, “Historical Patterns,” 67–71 and 75–76.

<sup>38</sup> Brown, “The American Vigilante Tradition,” in *Violence in America*, 158. Brown viewed vigilantes as adhoc or spontaneous groups that regularly formed for a short period of time. He also pointed out that these committees emerged to impose the law but, ironically, they were founded on illegal grounds.

<sup>39</sup> Brown, “The American Vigilante Tradition,” 167–71.

<sup>40</sup> *Ibid.*, 178–83.

movements and violent incidents in general.<sup>41</sup> Aimed at establishing the study of extralegal violence as a legitimate and needed topic for research, they provided access to numerous primary accounts of vigilantes, thus laying a more firm foundation for understanding the impetus, structure and acceptance of extralegal culture of American society.

By the 1970s researchers began to push violence studies out of the phase of simple recognition of the acts and participants and into a more nuanced historical methodology. One of the first was Robert Blew who demonstrated the pragmatic approach taken by the people of Los Angeles in deterring crime through the formation of temporary committees of vigilance from 1835 to 1874.<sup>42</sup> Although Blew's work was neglected by future researchers he established some extremely critical points concerning the motive and composition of vigilante posses.<sup>43</sup> These groups not only formed quickly, oft times under duress, but they experienced modifications in nearly all aspects (i.e. composition, leadership, and directive).<sup>44</sup> Inclusion of prominent

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<sup>41</sup> Richard Maxwell Brown, ed., *American Violence* (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1970); Richard Hofstadter and Michael Wallace, eds., *American Violence: A Documentary History* (New York: Alfred A. Knopf, 1970). Hofstadter agreed on the American origin of vigilantism but took issue with Brown's claim of vigilante origination with the Regulators of South Carolina. He reminds readers that if the Regulators engendered a tradition it failed to materialize for over fifty years (22). Because this was an unestablished theme in American history, scholars were free to "ruminate broadly on the topic without great worry about the paucity of fact and understanding regarding most events." David Grimsted, "Making Violence Relevant," 332.

<sup>42</sup> Robert W. Blew, "Vigilantism in Los Angeles, 1835–1874," *Southern California Quarterly* 54 no.1 (Spring 1972): 11–30.

<sup>43</sup> This lack of scholarly inclusion of Blew's research is demonstrable in the assertion by nearly all encyclopedias of the West that the first large and organized vigilance movements began in San Francisco in 1851 and/or the overall neglect to mention Southern California as harboring a vigilante culture. Howard R. Lamar, ed., *The New Encyclopedia of the American West* (New Haven: Yale University Press, 1998), 1168–70; Clyde A. Milner II, Carol A. O'Connor, and Martha Sandweiss, eds., *The Oxford History of the American West* (New York: Oxford University Press, 1994), 393–425; Robert M. Utley, ed., *Encyclopedia of the American West* (New York: Wing Books, 1997), 445–46. Blew made it very clear that the first vigilante committees of California was organized in Los Angeles, 7 April 1836, not in San Francisco; the well known vigilante hub during the 1850s. Blew, "Vigilantism in Los Angeles," 13, 14.

<sup>44</sup> Although there is some evidence that there was a "continuous committee" during the 1860s and 1870s, it "does not seem to be borne out in fact." Blew, "Vigilantism in Los Angeles," 26.

members of the community, combined with a “lack of historical perspective,” forced these early vigilantes to function under a veil of secrecy.

Eugene Hollon sides with Dykstra and disputes that the West was violent. Rather, he views the region as maintaining a much more peaceful atmosphere than the urban areas of the day.<sup>45</sup> Although the West was plagued by many personalities and problems, the violence of the West, according to Hollon, has been greatly “overplayed” by writers and readers alike.<sup>46</sup> The evidence he amasses demonstrates the varying degrees, motives, and duration of violent acts among the people and places of the historical West.

Linked directly to societal factors, vigilantism has been a topic of interest for many sociologists. One of the more informative early studies portrayed vigilantism as “establishment violence,” or, the revolt by individuals within a society by means outside of the established boundaries set by society.<sup>47</sup> The authors of this study saw three distinct forms of vigilantism—crime control, social-group-control, and regime-control—the first being movements against those breaking the society’s legal system, the second focusing on the redistribution of values or the forceful exclusion of those not *fit* to remain with a group (i.e. violence impelled by racial or ethnic forces), and last being the vigilantism that seeks to rework the commanding regime to represent more fully the majority it represents.<sup>48</sup>

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<sup>45</sup> W. Eugene Hollon, *Frontier Violence: Another Look* (New York: Oxford University Press, 1974).

<sup>46</sup> *Ibid.*, 194.

<sup>47</sup> H. Jon Rosenbaum and Peter C. Sederberg, “Vigilantism: An Analysis of Establishment Violence,” *Comparative Politics* 6 no.4 (July 1974): 542.

<sup>48</sup> *Ibid.*, 548–63. The West’s vigilante tradition fits most comfortably within the “crime control” category and is intricately connected to the conclusions made by Richard Brown’s article because they drew heavily from his scholarship.

Such sociological interpretations appear to have impacted Richard Brown who revised and republished his articles in his monumental assessment of American aggression, *Strain of Violence: Historical Studies of American Violence and Vigilantism*, thus beginning his ascendancy as *the* interpreter of America's violent past and present.<sup>49</sup> Pertinent to vigilante studies Brown explained how the violence of the nineteenth-century centered on the hegemonic community structure that favored the elite.<sup>50</sup> He focused on vigilantism throughout the West with the exception of Oregon and Utah. He advised readers of this exclusion and justified it due to the lack of "significant vigilante activity" in Utah.<sup>51</sup>

Although not directly noted it appears that Brown's dismissal of extralegal punishment within the Mormon community is a result of his reliance upon Hubert Howe Bancroft's massive two volume work *Popular Tribunals*.<sup>52</sup> The tomes are a combination of historical documents, journals, correspondence, as well as "copious dictations from those who had played the most prominent parts in the tragedies."<sup>53</sup> Although these two volumes contain important primary source material, Bancroft's assertion that vigilante forms of justice and violence were nonexistent among the Mormons is incorrect. He gives too much credence to the notion that

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<sup>49</sup> Brown, *Strain of Violence*.

<sup>50</sup> *Ibid.*, 5, 22–23, 31–36, 162–67. Although Brown does not employ the term *hegemonic* he alluded to it in an earlier article; see Brown, *American Violence*, 1.

<sup>51</sup> Brown, *Strain of Violence*, 101–03; see also Graham and Gurr, *Violence in America*, 162. Of the charts on western vigilante groups in *Strains of Violence* Brown attributes only one occurrence of a vigilance committee in 1869 at Promontory, Utah, which was termed as insignificant in both number and available documentary evidence. Brown, *Strains of Violence*, 318; and Graham and Gurr, *Violence in America*, 164–65, 225.

<sup>52</sup> Bancroft, *Popular Tribunals*.

<sup>53</sup> *Ibid.*, 1:viii–ix. It is important to note that the majority of these works is dedicated to the San Francisco Vigilance Committees of 1851 and 1856.

Brigham Young's "theocratic government" dispelled any hopes for popular tribunals by the people of the Utah region.<sup>54</sup>

Although Brown's work received some negative attention,<sup>55</sup> *Strain of Violence* emerged as the best scholarly interpretation of America's extralegal parameters. It is important to note that many books dealing with specific extralegal movements appeared after Brown's seminal study that contributed to the understanding of vigilantism's prevalence during the nineteenth century but did not move far beyond the accepted standards set by Brown and those before him.<sup>56</sup>

Richard White advanced the field by juxtaposing the outstanding research in Eric Hobsbawm's classic study of peasant uprisings in Europe with the hero-myth culture associated with social bandits and vigilantes of the American West.<sup>57</sup> Highlighting the emergence of societal ideals with

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<sup>54</sup> Bancroft, *Popular Tribunals*, 1:55–56. Bancroft does leave room for opposing views with his disclaimer that vigilantism may have existed but "the material composing it could not be found" (593).

<sup>55</sup> The most detailed critique came from David Grimsted who challenged Brown's definition of vigilantism by claiming that the definitional structure of vigilante groups as companies formed for a "pre-stated length of time" was illogical and historically unverified (David Grimsted, "Making Violence Relevant," 336). However, this attack neglected the research by Robert Blew on the instantaneous and dissolvable nature of the Los Angeles Vigilance Committees (Blew, "Vigilantism in Los Angeles," 11–30). Supported by a slew of primary evidence, Blew maintained that where crime existed "an organization was formed, summary executions were inflicted, and then the group dissolved." With each crisis, according to Blew, a new committee was formed, "frequently with the same personnel" (26). The fact that not all vigilance committees originated or operated in identical fashion goes without question, but the actuality of their often spontaneous and eventual disbandment holds historical weight, as demonstrable in the studies of Brown and Blew. It must also be remembered that vigilance as a means to deter subversive acts or persons is perennial in nature—it is the composition of the group, management of said group, and their directives (i.e., their victims) that are "noncontinuing," to use Grimsted's vernacular (Grimsted, "Making Violence Relevant," 336).

<sup>56</sup> For example, see Arnold Madison, *Vigilantism in America* (New York: Seabury Press, 1973); Harold Hutton, *Vigilante Days: Frontier Justice along the Niobrara* (Chicago: Sage Books, 1978); Jules Archer, *Riot!: A History of Mob Action in the United States* (New York: Hawthorn Books, Inc., 1974); Lew L. Callaway, *Montana's Righteous Hangmen: The Vigilantes in Action* (Norman: University of Oklahoma Press, 1982); Mary Hartman and Elmo Ingenthron, *Bald Knobbers: Vigilantes on the Ozarks Frontier* (Gretna, LA: Pelican Publishing Co., 1988); John Boessenecker, *Badge and Buckshot: Lawlessness in Old California* (Norman: University of Oklahoma Press, 1988); R. E. Mather and F. E. Boswell, *Gold Camp Desperados: A Study of Violence, Crime, and Punishment on the Mining Frontier* (San Jose, CA: History West Publishing, 1990); R. E. Mather and F. E. Boswell, *Vigilante Victims: Montana's 1864 Hanging Spree* (San Jose, CA: History West Publishing Co., 1991); Bob L'Alorge, *The Incident of New Mexico's Nightriders: A True Account of the Socorro Vigilantes* (Sunnyside, WA: BJS Brand Books, 1992); John Boessenecker, *Gold Dust & Gunsmoke: Tales of Gold Rush, Outlaws, Gunfighters, Lawmen, and Vigilantes* (New York: John Wiley & Sons, Inc., 1999).

<sup>57</sup> E. J. Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19<sup>th</sup> and 20<sup>th</sup> Centuries* (New York: W. W. Norton & Co., 1965).



violence White delineates between the criminals (i.e. social bandits) and the law enforcers (i.e. vigilantes).<sup>58</sup> White asserts that public condoning of vigilantism was nurtured by support from relatives, other participating outlaws and passive sympathizers.<sup>59</sup> He stresses the impetus for this support as being imbedded in the communal nature of the people of the West and their clash as a traditional society with modernity.<sup>60</sup>

One study published in 1983 gave credence to Hollon's argument that the lawlessness was not caused by the frontier, but was a result of it. The next year ushered in a major rebuttal.<sup>61</sup> The first scholarly investigation to directly combat the un-violent thesis was Roger McGrath's *Gunfighters, Highwaymen, and Vigilantes*.<sup>62</sup> By focusing on the frontier towns of Aurora, Nevada and Bodie, California the author demonstrated the commonality of violence and the order inherent in the vigilante system. Agreeing with Brown and many others McGrath placed the weight of the vigilante organizations on the "best, most substantial law-abiding citizens" of the community, not a frenzied mob of bloodthirsty individuals.<sup>63</sup> As towns where nightly

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<sup>58</sup> Richard White, "Outlaw Gangs of the Middle Border: American Social Bandits," *Western Historical Quarterly* 12 no.4 (October 1981): 388.

<sup>59</sup> White, "Outlaw Gangs," 389–92.

<sup>60</sup> *Ibid.*, 393–97.

<sup>61</sup> Craig B. Little and Christopher P. Sheffield, "Frontiers and Criminal Justice: English Private Prosecution Societies and American Vigilantism in the Eighteenth and Nineteenth Centuries," *American Sociological Review* 48 no.6 (Dec. 1983): 796–808. Little and Sheffield concluded that Europe and the United States boasted similar vigilante dispositions that formulated due to a lack of a sufficient legal system—or an overly priced one—commonly led by the elites of the society. They concluded that the one difference was the U.S. harbored more violently acceptable means for vigilante justice and was more prone to enforce them (804–05). For the connection to Hollon's thesis, see Hollon, *Frontier Violence*, ix–x.

<sup>62</sup> Roger D. McGrath, *Gunfighters, Highwaymen, and Vigilantes: Violence on the Frontier* (Berkeley: University of California Press, 1984).

<sup>63</sup> *Ibid.*, 100.

fistfights and frequent gunfights were common, Aurora and Bodie proved to be much more violent per capita than contemporary American cities.<sup>64</sup>

But it was not just a rowdy disposition. Robert Senkewicz's revisionist work complemented McGrath's study by indicating the complexities of vigilance movements.<sup>65</sup> He challenged the simple law and order theories behind the San Francisco vigilantes of 1851 and 1856 by revealing the overriding capitalist, corporate and political motives behind the regulatory vigilantes.<sup>66</sup> Stressing the individual concerns of many citizens and their willingness to act violently to protect local industry by deterring the importation of outside goods Senkewicz clearly challenged inconsistencies in earlier works that viewed extralegal means as mere results of the frontier society.<sup>67</sup>

More advances came as scholars began to investigate the motives that impelled westerners to act outside of legal parameters. By addressing the impact of rewards on "self-help criminal justice" it became clear that enforcement of the law was at times a private, not public,

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<sup>64</sup> McGrath, *Gunfighters, Highwaymen, and Vigilantes*, 253–54, 258–59. It must be noted that McGrath only pointed out the statistical comparisons to demonstrate that modern crime rates should not be judged against those of frontier towns. This non-didactical approach to history is based on McGrath's belief that extrapolations are "highly selective and perhaps unrepresentative" of frontier vigilantism (271). Although McGrath's study accepts Brown's origination of American vigilantism in 1767 at South Carolina and its impact on the westward movement of vigilante justice (265), his overall assessment challenges the comparative claim that America's violent nature is a direct result of our frontier past made by Brown in *Strain of Violence* (92–101, 225–46, 247–66, 271). For a similar rebuttal to contemporary application, see Joe Frantz, "The Frontier Tradition: An Invitation to Violence," in Graham, *Violence in America*, 127–54. Compare this and McGrath's view with that of Brown, *Strain of Violence*, 34–35, 181–299.

<sup>65</sup> Robert M. Senkewicz, *Vigilantes in Gold Rush San Francisco* (Stanford: Stanford University Press, 1985).

<sup>66</sup> Senkewicz also gives credibility to the religiously motivated threads that underlie many of the vigilantes' victims; see *ibid.*, 134–54, 161–65.

<sup>67</sup> *Ibid.*, 61–90. In order to demystify the historical record he suggested that we replace the "frontier symbols" of the "log cabin and covered wagon" with the "bank" (53). See also Olsen, "Lawlessness and Vigilantes in America," 175–89.

responsibility.<sup>68</sup> While underscoring the indefinite nature of lawless violence, Stuart Traub demonstrated how rewards functioned as a stimulant for the local police and citizenry “to take an active role.”<sup>69</sup> He focused on the manner in which the U.S. Marshals functioned in the western frontier.<sup>70</sup>

While McGrath provided more contextual evidence for not linking western vigilantism to contemporary violence in his 1989 chapter in the multivolume *Violence in America*,<sup>71</sup> William Culberson looked at the anarchic strain that underpinned most American vigilante movements in *Vigilantism: Political History of Private Power in America*.<sup>72</sup> His theory rests on the uncertainty of the American citizen to delineate between the boundaries of “ultimate sovereignty of the people and the tyranny of the majority,” thus leaving a cultural vacuum for uninhibited dominion through political coercion.<sup>73</sup> According to Culberson, Americans often exhausted legal recourse before indulging in extrajudicial proceedings. Encroachment by the legal guardians of the State cornered the citizens whose response was the exertion of their right to “private power.” The people recognized this “ultimate weapon of social power” as the primary defense against government despotism. Through vigilantism, Culberson demonstrated how the “light of anarchy fights the dark of tyranny.”<sup>74</sup>

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<sup>68</sup> Stuart H. Traub, “Rewards, Bounty Hunting, and Criminal Justice in the West: 1865–1900,” *Western Historical Quarterly* 19 no.3 (Aug. 1988): 287–301.

<sup>69</sup> Traub, “Rewards, Bounty Hunting, and Criminal Justice in the West,” 300.

<sup>70</sup> *Ibid.*, 294–97.

<sup>71</sup> Roger D. McGrath, “Violence and Lawlessness on the Western Frontier,” in *Violence in America*, 3 vols., ed. Ted Robert Gurr (Newbury Park, London: Sage Publications, 1989), 1:122–45; esp., 125, 137–39, 141–42.

<sup>72</sup> William C. Culberson, *Vigilantism: Political History of Private Power in America* (New York: Greenwood Press, 1990).

<sup>73</sup> *Ibid.*, 3.

<sup>74</sup> Culberson, *Vigilantism*, 107–08, 117.

By 1991 the interest in extralegal violence became a major theme in textbooks. Drawing upon the rebellious spirit of the West “*It’s Your Misfortune and None of My Own*” boasted an original interpretation of western culture by underlining the violent temperament of its people and environment.<sup>75</sup> Rather than connecting this to the rebellious spirit of the coarse characters who moved westward, White presented the conquering disposition of the government towards the West as symptomatic of the underlying intent of the politicians in Washington to micro-manage the West’s peoples and places.<sup>76</sup> The independent spirit of many westerners did not regard the overtures from Washington as beneficial, but rather self-serving. The people tried in vain to maintain autonomy, but were inevitably “flooded” by “larger governmental and economic” forces that forced them to accept specific mandates that pushed them into unwanted interaction with a variety of peoples and cultures.<sup>77</sup> Westerners responded violently to the forced and unwanted interface with the government and their neighbors.<sup>78</sup> White’s study gives credence to violence as an “intrinsic part of western society” by integrating violent episodes throughout the narrative and recognizing violence as one of the common denominators of the region’s history.<sup>79</sup>

A similar approach, albeit to a much lesser degree, was that of Patricia Nelson Limerick who spoke of the violence against ethnic minorities but refrained from contextualizing violence

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<sup>75</sup> Richard White, *It’s Your Misfortune and None of My Own: A History of the American West* (Norman: University of Oklahoma Press, 1991).

<sup>76</sup> *Ibid.*, 180–495.

<sup>77</sup> *Ibid.*, 316.

<sup>78</sup> *Ibid.*, 328–52.

<sup>79</sup> White, *It’s Your Misfortune*, 351. In his survey of the new history of the West, White did not intend to speak to violence directly; rather, he employed it as a thematic issue to be gain a broader comprehension. Therefore, his work does not clarify the impact vigilantism had on the West.

in a broader framework.<sup>80</sup> Like Limerick, Robert V. Hine and John Mack Faragher spoke to violence in episodic terms throughout their award winning history of the West.<sup>81</sup> Each of these authors sought to educate readers more generally on the historical significance of violent episodes in the development and maturation of the western peoples.

Richard Brown contributed to the debate by examining the history of the ideological underpinnings of the extralegal culture. He concludes that the idea of “standing one’s ground to kill in self-defense” was a pervasive notion in early American culture.<sup>82</sup> American culture had shown a distinct allegiance and justification to vigilante-style justice in their macho perception that man “was not born to run away.”<sup>83</sup> As in his previous studies, Brown saw contemporary violence as being directly connected with the early vigilantism of the West.<sup>84</sup> In what he termed the “wars of incorporation,”<sup>85</sup> Brown argued that vigilantism gained prominence as the federal government spread its web across the U.S.<sup>86</sup> Alliances were forged between outlaws and those at the lower end of the social spectrum to wage a war against the eastern bureaucracies that “sought

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<sup>80</sup> Patricia Limerick Nelson, *Legacy of Conquest: The Unbroken Past of the American West* (New York: W. W. Norton and Company, 1987).

<sup>81</sup> Robert V. Hine and John Mack Faragher, *The American West: A New Interpretive History* (New Haven: Yale University Press, 2000).

<sup>82</sup> Richard Maxwell Brown, *No Duty to Retreat: Violence and Values in American History and Society* (New York: Oxford University Press, 1991), 5.

<sup>83</sup> *Ibid.*, 34. The historical precedent for this written law, according to Brown, is found in the 1921 United States Supreme Court case of *Brown v. United States* where the majority opinion was drafted by the “greatest legal philosopher ever to serve on the Supreme Court,” Oliver Wendell Holmes; *ibid.*, 3–37, see esp. 28–30.

<sup>84</sup> *Ibid.*, 5–7.

<sup>85</sup> See for example the principle of accepted vigilantism in Brown’s assessment of the Mussel Slough conflict in central California; Brown, *No Duty to Retreat*, 87–127.

<sup>86</sup> Brown, *No Duty to Retreat*, 44. See also, Alan Trachtenberg, *The Incorporation of America: Culture and Society in the Gilded Age* (New York: Hill and Wang, 1982), 43, 190n14.

to increase the scope of property-oriented law and authority.”<sup>87</sup> With the ending of the Civil War small landowners in the West felt the pressure of land consolidation and enclosure which threatened their livelihood to such a degree that they embraced this war of incorporation to its fullest.<sup>88</sup> At the center of the controversy was money and land as exhibited by the many hostile confrontations that enveloped the West during the latter-half of the nineteenth-century.<sup>89</sup> Similarly, the bureaucratic and entrepreneurial opportunities brought by the railroads moving westward induced landowners, large and small, to pit themselves against their neighbors in the westward-moving wars of incorporation.<sup>90</sup>

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<sup>87</sup> Brown, *No Duty to Retreat*, 45–46. For a complete outline of the alliance—its formation, function, and impact, see *ibid.*, 39–127.

<sup>88</sup> *Ibid.*, 90–91.

<sup>89</sup> *Ibid.*, 44, 65–82, 93. These controversies include the Custer County Wars in Nebraska, 1877–1878; the Mussel Slough controversy in California, 1878–1880; the Hispanos’ militancy in northern New Mexico, 1890s; the bandidos insurrection in southern Texas, 1880–1890s; the “Fence Cutters’ War” of the open ranges of Texas, 1883–1884; the Johnston County War in Wyoming, 1892; the Cochise County War in Arizona and its legendary gunfight at the O.K. Corral, 1881–1882.

<sup>90</sup> *Ibid.*, 87–127. This concept was revisited in more detail by Brown in a later article entitled, “Law and Order on the American Frontier: The Western Civil War of Incorporation,” in *Law for the Elephant, Law for the Beaver: Essays in the Legal History of the North American West*, ed. John McLaren, Hamar Foster, and Chet Orloff (Regina & Pasadena: Canadian Plains Research Center and the Ninth Judicial Circuit Historical Society, 1992), 74–89. In a later study, Brown provides a more foundational base for this war of incorporation and challenged the traditional hero-myth of the West’s outlaws; see Brown, “Western Violence: Structure, Values, Myth,” *Western Historical Quarterly* 24 no.1 (February 1993): 4–20. Returning to his three-tiered model for vigilante uprisings, Brown attempts to incorporate the gunfighters of the West as “crucial agents” at the frontlines of the battle with the East (8). A similar argument by Brown was assembled in chapter two “The Gunfighter: The Reality Behind the Myth,” in *No Duty to Retreat*, 39–87. This adds to White’s article “Outlaw Gangs” by placing these mythic heroes within one of two camps: *incorporation gunfighters* or *resister gunfighters*. The former usually associated with the Republican corporation and the latter adhered to the Democratic platform; see Brown, “Western Violence,” 7–9; italics part of original. Amongst the controversies surrounding the Civil Wars of Incorporation were many incidents of vigilantism; however, the line was now blurred as participants were forced to justify their allegiances through political venues; see Brown, *No Duty to Retreat*, 40–45, 53, 80, 89, 95. Although Utah and the Mormons were not included in his study, Brown makes it clear that they were an important part of the “New Western History’s emphasis on culturally-pluralistic conflict”; see Brown, “Western Violence,” 10. Each of the works produced by Brown from 1991 to 1993 was integrated into his thematic essay on “Violence” in the *Oxford History of the American West*, 393–425.

Intent on revisiting just how violent the West really was, Clare McKanna examined areas within Nebraska, Colorado, and Arizona.<sup>91</sup> By employing county coroner reports McKanna was able to discern the influence of alcohol and loose gun control laws as being primary reasons for violent encounters. Furthermore, locales with highly transient populations were easy targets for hostile aggression. The quantitative study received critical attention from Robert Dykstra who detected flaws in the methodology—both statistically and interpretively.<sup>92</sup> Dykstra held fast to his original interpretation that the West was not as violent as scholars had made it out to be.<sup>93</sup> The following year McKanna's *Homicide, Race, and Justice in the American West, 1880–1920* was published. Enlarging on the thesis that “social instability” was the main source for violence in the West, McKanna concluded that lethal violence was common in the early West. While McKanna's book addressed not only vigilantism, but homicide in general, it demonstrates the importance that the study of violence, legal and extralegal, has gained in its relatively short life as an academic subject of the West.

In his *Policing the Elephant: Crime, Punishment, and Social Behavior on the Overland Trail*, John Phillip Reid cast doubt over McKanna's social instability thesis by demonstrating how legally-minded the settlers of the West were.<sup>94</sup> According to Reid, eastern constitutional and

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<sup>91</sup> Clare V. McKanna, “Alcohol, Handguns, and Homicide in the American West: A Tale of Three Counties, 1880–1920,” *Western Historical Quarterly* 26 no.4 (Winter 1995): 455–82.

<sup>92</sup> Robert R. Dykstra, “Overdosing on Dodge City,” *Western Historical Quarterly* 27 no.4 (Winter 1996): 505–14; esp. 510n25.

<sup>93</sup> This issue of the historical West's nonviolence was revisited by Dykstra and others in a roundtable discussion; see Steward L. Udall, Robert R. Dykstra, Michael A. Bellesiles, Paula Mitchell Marks, and Gregory H. Nobles, “How the West Got Wild: American Media and Frontier Violence A Roundtable,” *Western Historical Quarterly* 31 no.3 (Autumn 2000): 277–95; and again in Dykstra, “Quantifying the Wild West: The Problematic Statistics of Frontier Violence,” *Western Historical Quarterly* 40 no.3 (Autumn 2009): 321–47.

<sup>94</sup> John Phillip Reid, *Policing the Elephant: Crime, Punishment, and Social Behavior on the Overland Trail* (San Marino, California: Huntington Library, 1997); for the scant inclusion of Mormons, see pages 50–52.

societal laws strongly influenced the migrants moving west. As will be shown, the situation in territorial Utah presents some evidence for and against Reid's thesis. Nonetheless, *Policing the Elephant* affords researchers with an ideological undercurrent that must be dealt with in future vigilante studies, especially the traditional claim of the frontier's lack of legal process, a claim that no longer is viable thanks to the evidence amassed by Reid.

The historiography of the West's extralegal culture has advanced greatly in the last couple of decades and will continue to grow as scholars uncover the personalities, events, and environments that impelled and condoned ordinary citizens acting outside the established legal precedent. In reviewing the major contributions it is clear that Utah—its people, places, and culture—provides a great case study. This thesis will unveil the extralegal culture of Utah's territorial period, 1851-1896, and the motives and effects of violence on that culture. It aims to address the many issues surrounding incidents in Utah while simultaneously providing a more comprehensive and inclusive scholarly discussion of the West, its people, places, and culture.



## Chapter 3

### The Frontiers of Justice: Extralegal Punishment in the Utah Borderlands

*If you want to know what to do with a thief that you may find stealing, I say kill him on the spot, and never suffer him to commit another iniquity. That is what I expect I shall do, though never, in the days of my life, have I hurt a man with the palm of my hand. I never have hurt any person any other way except with this, unruly member, my tongue. Notwithstanding this, if I caught a man stealing on my premises I should be very apt to send him straight home, and that is what I wish everyman to do.*

—Brigham Young, 8 April 1853<sup>1</sup>

For nearly the first decade of its existence the Utah Territory was an expansive area that consisted of the current state of Utah, most of Nevada, the western part of Colorado, and the southwestern tip of Wyoming.<sup>2</sup> An understanding of the confluence of cultures and ideologies within this space is essential for decoding the extralegal experience. What may appear as senseless violence or blind vengeance can in fact be explained, at least to some degree, by an understanding of the past. Examination of encounters with extralegal justice on Utah's east and west peripheries brings abiding historical issues once again into the discussion. This chapter will outline the existence of extralegal violence within some of territorial Utah's most remote frontier settlements, examine the reasons for it and try to suggest the extent to which individuals were willing to engage in violence outside the realms of established law.

Following their arrival in the West, the Latter-day Saints endeavored to settle as much of the area as possible. Shortly after establishing themselves in the Salt Lake valley, some members

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<sup>1</sup> Brigham Young, 8 April 1853; as quoted in William P. MacKinnon, "'Lonely Bones': Utah Leadership and the Utah War Violence," *Journal of Mormon History* 33 no.1 (Spring 2007): 127.

<sup>2</sup> Howard W. Lamar, *The Far Southwest, 1856–1912: A Territorial History*, rev. ed. (Albuquerque: University of New Mexico Press, 2000), 190, 274–76.

pushed to the edges of the territory in order to take advantage of business opportunities along the various migration routes. In 1851 John Reese set out to begin colonizing the area of Genoa County, a main hub for those entering and leaving California. With thirteen wagons full of valuable items for sale and trade, Reese made the long and lonely trek from Salt Lake City. Reese set up a small trading post that would eventually grow and become known to all as Mormon Station. Strategically situated “right on the trail” near the California border where travelers “would give almost anything for something to eat,” Reese’s Mormon Station catered to weary travelers eager to reach their destinations. Situated so far from civilization, the migrants would pay “almost any price” for a fresh yoke of oxen, because it was “nearly impossible” to obtain them.<sup>3</sup>

It was not long before others from the territory and neighboring locales began to build homes and establish ranches in and around Mormon Station. By 1855 there were more than fifty ranches in Genoa County and the growth might very well have continued but for the invasion of Johnston’s Army which impelled many Latter-day Saints to return to Salt Lake City. Prior to and following the exodus, the distant outpost experienced a fair share of extralegal violence as settlers tried to maintain civilization on the edges of the frontier.<sup>4</sup>

By 1853 Mormon Station had established itself as one of the premier posts along the California highway. This was a busy route, and a dangerous one. In less than a decade Genoa County dispatched some of the most infamous criminals in the West. As one resident put it, “Nearly every man either carried a gun or had one where he could readily get at it.” The collision

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<sup>3</sup> John Reese, “Mormon Station,” Hubert Howe Bancroft Collection, Bancroft Library, University of California Berkeley, 2; hereinafter abbreviated as UCB.

<sup>4</sup> *Ibid.*, 6–7.

of Genoa's isolated locale with lawless characters produced a number of casualties. Most of the deaths resulted from acts of self defense, as was the case with John Dorey. The owner of a nearby trading post, Dorey got into a tussle with an inebriated J. L. Barnard who wanted to ride his horse into the store. Angered and upset, the intoxicated Barnard went to an acquaintance's home, borrowed a pistol, and promptly returned to Dorey's place of business to set him straight. Ignoring the numerous warnings to refrain from aggravating the now-armed and ready Dorey, Barnard moved towards him intent on settling the row. Ten feet from the door Dorey raised his weapon and fired one fatal shot. In the absence of any official lawmen, the "local self made authority" met and decided that Dorey was "fully exonerated" of any crime. This was just one of "several" such instances where people in Genoa took lethal action to maintain order among the settlers and their transient visitors.<sup>5</sup>

Violence increased as citizens experimented with extralegal justice to settle conflicts within the community situated on the boundary of civilization. Renowned gambler William "Lucky Bill" Thornton resided in Genoa and had arrived about the same time as Reese. After building a respectable ranch he sold it "to Mormons when they came" in the mid 1850s. Just over six feet tall and as "fine looking man as you could find in a day walk," Lucky Bill was a man of many qualities. Being "quite a character in his time," Lucky Bill was a professional gambler who was accused of being involved in a fray at Honey Lake where a Frenchman had been found dead. A group of some thirty vigilantes from Honey Lake arrived at Genoa, where more citizens decided to join them in their quest to round up the accused. No sooner were Lucky Bill and six other men captured by the armed men, they found themselves in a "mock court." Two were

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<sup>5</sup> Henry Van Sickle, "Utah Desperados," Hubert Howe Bancroft Collection, UCB, 9.

found guilty of the crime and sentenced to be hanged, one was fined one thousand dollars, and the others were released. Three hours later Lucky Bill was strung up and “hung till dead.”<sup>6</sup>

Unlike his two accomplices, Thornton was not wealthy and therefore could not buy himself justice. The other two prisoners fared much better than Lucky Bill, primarily due to their personal fortunes. Luther Olds was ordered to leave the town immediately, never to return. He was unable to pay his fine due to his speedy sentence, so the vigilantes decided to collect the funds just as they had executed justice. They drove Olds’ cattle from his ranch, and divvied up the herd. Bill Edwards shared a similar yet rather delayed outcome. The Honey Lake vigilantes decided not to kill Edwards at Genoa, but chose to escort him back to the scene of the crime and execute him there. They refused to allow the Genoa vigilantes “any participation” in the deed and took “great care” in deterring them from following the group. They claimed Edwards would be hanged in his own land, but failed to give any valid reasons for the delay in justice. According to one resident, the entire spectacle reeked of “a suspicious odor.” It was later revealed that the postponement was part of an elaborate ruse to extort “a cache of money” Edwards had concealed “on the California side of the mountains.” Although the vigilantes presented a coffin allegedly containing Edwards’s body, there were no witnesses at the hanging and most “respected” citizens believed him to be alive in Mexico.<sup>7</sup>

A few years after the Honey Lake incident one of the West’s most feared and “lawless desperado[s]” claimed Genoa as his new home.<sup>8</sup> “Longhair” Sam Brown was a ruthless outlaw well-known for bringing chaos to the towns he frequented. Always dressed in his trademark

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<sup>6</sup> Van Sickle, “Utah Desperados,” 3–5, 7.

<sup>7</sup> Ibid., 5–7.

<sup>8</sup> Ibid., 9.

Mexican sash and braided, coarse, red long hair, Brown's proclivity to carve up opponents and his skill with guns earned him respect among his colleagues—as well as two years in San Quentin for manslaughter. He claimed to have dispatched nearly a dozen men and “bragged that he did not bother to count Mexican, Chilenos, or Chinese.” Credited with the phrase, “I want a man for supper,” he was not a welcome sight to the people residing on the western rim of the Utah territory.<sup>9</sup> Nor did he endear himself to his neighbors as he killed three individuals in the Genoa area during knife and gun fights.<sup>10</sup>

Even those familiar with Brown's ways found themselves on the wrong end of his gun. H. Van Sickle was the keeper of a “public house” in the county and had catered to Longhair Brown at his “station in previous times” and never had had any problems. Perhaps disgruntled with the arrival of his thirtieth birthday, 6 July 1861, Brown drew his weapon on Van Sickle when the latter offered to attend to Longhair's horse. “[B]eing entirely warned and knowing the character of the man I at once left the scene he following with drawn gun & cocked I passed in through the dining room there were some 20 men seated eating supper.” Brown yelled out, “where is the son of b...h?” and then decided to leave. Van Sickle secured his own gun and set out after Brown. After exchanging gunfire Van Sickle stood over the corpse of Longhair Sam Brown which was now filled with “seven buck shots right through the center of his body.” Although he had not desired a bloody confrontation, Van Sickle felt justified in that “this ended

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<sup>9</sup> John Boessenecker, *Badge and Buckshot: Lawlessness in Old California* (Norman: University of Oklahoma Press, 1988), 62–65.

<sup>10</sup> John Boessenecker, *Gold Dust and Gunsmoke: Tales of Gold Rush Outlaws, Gunfighters, Lawmen, and Vigilantes* (New York: John Wiley and Sons, 1999), 305.

the life of a man that had few if any redeeming traits.” The citizens of Genoa held similar sentiments, concluding that Brown’s fatal encounter had “served him right.”<sup>11</sup>

Mormons occasionally found themselves entangled in violent disputes with persons in Genoa County. One observer professed a calm and quiet atmosphere where Mormons and Gentiles had relatively few clashes. According to John Reese, “there was a little hostility with some Gentiles down there but did not amount to much.”<sup>12</sup> Although Reese left before the killing of Longhair Sam Brown, he resided there during the Dorey homicide, Lucky Bill’s execution, and “several other similar occurrences.”<sup>13</sup> Although Reese plays down any hostile interactions, his claims are undermined by his own experience. After squatting on a large portion of land, Reese was embroiled in a quarrel over property boundaries with William Cradlebaugh, the brother of Judge Jonathan Cradlebaugh who “jumped” two thirds of Reese’s land. As the controversy raged, Reese weighed his options and decided to cut his losses and return to Salt Lake City. He left his brother-in-law to continue operating his outpost and maintaining a section of his property. Unfortunately his brother-in-law was shot by a man building a house for Cradlebaugh shortly after Reese’s departure.<sup>14</sup>

E. H. Knott had a similar land dispute with the few remaining Mormons in the County after the general exodus in 1857. Knott ran a mill built by his father in 1853 that was in the service of Reese & Company, which eventually failed in 1859. By this time fault lines between

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<sup>11</sup> Van Sickle, “Utah Desperados,” 9–12.

<sup>12</sup> Reese, “Mormon Station,” 8.

<sup>13</sup> Van Sickle, “Utah Desperados,” 9.

<sup>14</sup> Reese, “Mormon Station,” 8–9. Cradlebaugh mentions that the Mormon exodus afforded land at a “very cheap” price. He does not discuss the shooting of Reese’s brother-in-law. He had only a limited interaction with the local Mormons, whom he viewed as fair, but “quite clannish”; see William M. Cradlebaugh, “Nevada Biography,” Hubert Howe Bancroft Collection, UCB, 3–4.

Mormons and the residents of Carson City and Genoa had erupted when they petitioned the United States to break from Utah and create their own Territory. Knott had sold the mill in 1855, but had yet to receive full payment. After numerous disputes, Knott discovered that Mormon Apostle Orson Hyde advised Reese and his company not to pay the \$5,000 debt, and a deadly quarrel ensued and Knott's son was "assassinated by the Mormons."<sup>15</sup> The conflict between the western citizens of the territory and officials in Salt Lake may have played a role in the controversy over the debt. One observer noted that the unconstitutional declaration of independence by the western residents was a scathing indictment against the Utah Territory and the Mormons. According to the account, the Carsonians reprimanded the Mormons for a "long series of abuses against the western inhabitants of Utah,"

and with violating the organic Act which constituted the Territory; with having shown themselves enemies of the constitutional government and the institutions of their country; with having declared war against the United States; with having refused to submit themselves to its laws, at the same time claiming the benefit of them whenever it was their interest to do so...with having succeeded by their legislative intrigues in staying the course of justice, protecting criminals, and nullifying the laws of the Union; with having declared ineligible for any public employment any unmarried citizen, unless he resided for two years in the territory of Utah; with having stained their hands with the blood of their fellow-countrymen; with having deprived them of their property without even a show of justice..."<sup>16</sup>

Apostle Hyde may have felt justified in refusing payment, considering the rebellious state of affairs among the western citizenry.

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<sup>15</sup> Thomas Knott Personal Reminiscences, UCB. Jennings was called to serve a mission to the area and mentioned that around 1855 the Reeses were engaged "in buying out a mill at Genoa on Carson River"; see William Jennings, "Carson Valley," Hubert Howe Bancroft Collection, UCB, 2.

<sup>16</sup> Jules Remy, *A Journey to Great-Salt-Lake City, by Jules Remy, and Julius Brenchley, M.A.; with a Sketch of the History, Religion, and Customs of the Mormons, and an Introduction on the Religious Movement in the United States*, 2 vols. (London: W. Jeffs, 1861), 1:492-94.

This area continued to suffer from extralegal violence as “popular tribunals were in the ascendancy” even among the “very fine people.”<sup>17</sup> One citizen noted that “shooting affrays were of frequent occurrence” and that the “town was infested with rough characters.”<sup>18</sup> Violence continued into the 1860s with residents meting out rough justice to criminals and disorderly persons. Citizens did not always apply extrajudicial methods as the primary solution—but if the legal recourse did not satisfy their demands for justice they were not opposed to extralegal punishment as a recourse. This was evident in Carson City when a German woman brought suit against a Spaniard who was residing at her residence when he “slandered her.” During the court proceedings, presided over by Judge Cradlebaugh, the woman elected to expedite the trial by shooting the accused “right in open court.” After the victim “jumped about 5 feet high and then fell down dead,” the German was indicted for the murder. She was speedily tried and acquitted by the same jury that had just witnessed the shooting.<sup>19</sup>

All in all, about half-a-dozen persons were killed in the area, including a murderer who had killed a man and left his body in a ditch, where it was discovered a week later. Although he attempted to flee, he was “captured in Nevada City” and brought back to answer for his crimes with a lariat around his neck.<sup>20</sup>

The eastern edges of Utah also had violent beginnings as the Mormons organized Green River County in the northeastern region, now the southwestern tip of Wyoming. By 1853 the Mormon leaders were running Fort Bridger and had erected a way station at Fort Supply to assist

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<sup>17</sup> Cradlebaugh, “Nevada Biography,” 1.

<sup>18</sup> Jacob Klein, “Founders of Carson City,” Hubert Howe Bancroft Collection, UCB, 3.

<sup>19</sup> *Ibid.*, 2.

<sup>20</sup> *Ibid.*, 2–4.



migrants.<sup>21</sup> Although Latter-day Saints did not officially purchase Fort Bridger until 1855, the leadership thought it wise to raid the fort due to suspicions of ammunition, weapons, and liquor smuggling along the river with the intent to traffic these items among local Native American tribes.<sup>22</sup> To make matters worse, the infamous William “Wild Bill” Hickman was part of the posse that rode from Salt Lake City.

It was common knowledge among Gentiles and outsiders that Hickman was the leader of the Mormon Danites. As one observer pointed out, “The ‘Danites’ originally organized as a species of secret police, to execute the behests of the Church—by whom suspected persons can be dealt with, and, if need be, put off out the way—[and] are still in existence.”<sup>23</sup> In a compilation of grievances submitted to the U.S. Congress, over fifty emigrants who had direct contact with Mormons in Utah alleged that the Danites were utilized both inside and outside the territorial boundaries “to perpetrate their foul and fiendish purposes.”<sup>24</sup> According to these affidavits, these “life-guard[s]” dispatched their victims by sinking them in lakes, cutting off their heads, or slitting their throats.<sup>25</sup> Lore regarding Danite crimes and dealings was abundant during the territorial period. The legendary band of mercenaries became a favorite of

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<sup>21</sup> Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-Day Saints, 1830–1900* (1958; repr., Lincoln: University of Nebraska Press, 1966), 106; Fred R. Gowans and Eugene E. Campbell, *Fort Bridger: Island in the Wilderness* (Provo: Brigham Young University Press, 1975), 59–86.

<sup>22</sup> Gowans and Campbell, *Fort Bridger*, 49–59; MacKinnon, “Lonely Bones,” 129.

<sup>23</sup> Benjamin G. Ferris, *Utah and the Mormons: The History, Government, Doctrines, Customs, and Prospects of the Latter-Day Saints. From Personal Observation During a Six Months’ Residence at Great Salt Lake City* (New York: Harper and Brothers, 1856), 190.

<sup>24</sup> Nathaniel Slater, *Fruits of Mormonism or A Fair and Candid Statement of Facts Illustrative of Mormon Principles, Mormon Policy, and Mormon Character* (Coloma, California: Harmon and Springer, 1851), 77.

<sup>25</sup> *Ibid.*, 76–80.

contemporary novelists whose tales depicted these Destroying Angeles as ruthless and capable assassins who stalked victims and dispatched them in the most horrific ways imaginable.<sup>26</sup> The existence of the Danites in the Utah Territory is controversial. Migrants, federal officials, and Gentiles believed that the organization was fully operational in Utah.<sup>27</sup> Because Utah boasted a significant amount of violence, it was not uncommon for mysterious murders, assaults, and other mischievous dealings to be blamed on the ill-famed Danites. There were many prominent men throughout the valley who had served in the Danite militia in Missouri and Illinois; this previous association led many unqualified observers to incorrectly assume that, as with Mormonism itself, once a Danite, always a Danite. Orrin Porter Rockwell, Hosea Stout, Lot Smith, John D. Lee, Lorenzo D. Young, and George A. Smith were just a few of the notable former Danites holding leading positions in the Utah Territory.<sup>28</sup> Contemporary Mormons and

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<sup>26</sup> Leonard J. Arrington and Jon Haupt, "Intolerable Zion: The Image of Mormonism in Nineteenth Century American Literature," *Western Humanities Review* 22 (Summer 1968): 243–60; Neal Lambert, "Saints, Sinners and Scribes: A Look at the Mormons in Fiction," *Utah Historical Quarterly* 36 (Winter 1968): 63–76; Terryl L. Givens, *Viper on the Hearth: Mormons, Myths, and the Construction of Heresy* (New York: Oxford University Press, 1997), 124–25, 141–48, 161.

<sup>27</sup> For a sampling of contemporary accounts of those who believed Danites to be functioning in the Territory, see R. N. Baskin, *Reminiscences of Early Utah* (Salt Lake City: Tribune-Reporter Print Co., 1914), 150–55; J. H. Beadle, *Life in Utah; or, the Mysteries and Crimes of Mormonism. Being an Expose of the Secret Rites and Ceremonies of the Latter-Day Saints, with a Full and Authentic History of Polygamy and the Mormon Sect from Its Origin to the Present Time* (Philadelphia: National Publishing Co., 1870), 177–216; N. W. Green, *Mormonism: Its Rise, Progress, and Present Condition. Embracing the Narrative of Mrs. Mary Ettie V. Smith, of Her Residence and Experience of Fifteen Years with the Mormons; Containing a Full and Authentic Account of Their Social Condition—Their Religious Doctrines, and Political Government* (Hartford: Belknap and Bliss, 1870); Jesse A. Gove, *The Utah Expedition, 1857–1858: Letters of Captain Jesse A. Gove, 10<sup>th</sup> Inf., U.S.A. ... To Mrs. Gove, and Special Correspondence of the New York Herald* (Concord: New Hampshire Historical Society, 1928), 147, 205, 212, 219, 227; William A. Hickman, *Brigham's Destroying Angel: Being the Life, Confession, and Startling Disclosures of the Notorious Bill Hickman, the Danite Chief of Utah* (Salt Lake City: Shepard Publishing Co., 1904); William Jarman, *U.S.A.: Uncle Sam's Abscess, or Hell Upon Earth for U.S. Uncle Sam by W. Jarman, Esq., K.G.L., T.C.K., Knight of the Grand Legion of North America, who Suffered Twelve Years in the Mormon Hell on Earth, as one of the "Virgins without Guile," and a Priest after the Order of Melchizedek: Where Polygamy, Incest, and Murder are Taught and Practiced as Religion Under the "All Seeing Eye," and the Sign "Holiness Unto the Lord"* (Exeter, England: H. Leduc Steam Printing Works, 1884), 135–49; Rev. C. P. Lyford, *The Mormon Problem: An Appeal to the American People. With an Appendix, Containing Four Original Stories of Mormon Life, Founded Upon Fact, and a Graphic and Thrilling Account of the Mountain Meadows Massacre* (New York: Phillips and Hunt, 1886), 98–123, 212–31; Slater, *Fruits of Mormonism*, 76–80.

<sup>28</sup> D. Michael Quinn, *Mormon Hierarchy: Origins of Power* (Salt Lake City: Signature Books in association with Smith Research Associates, 1992), 479–90.

leaders regularly denied the existence of the band in the new territory. When asked by historian Hubert Howe Bancroft if the Danites existed in Utah, President John Taylor retorted, “I have no confidence in the statement about the Danites.”<sup>29</sup> In a conversation with an emigrant, William Hickman said, “there never was any organization of the kind in this country.”<sup>30</sup> According to Hickman’s extravagant autobiography, Danites operated in Utah but not in an organized manner. John Hyde, Jr. believed, like Hickman, that the code of the society had not been entirely forgotten.<sup>31</sup> Prominent Utah historian, Leonard Arrington denied the existence of the organization in Utah, but did leave room for individual exploits as “life guards” to the Prophet.<sup>32</sup>

During the offensive at Green River, Hickman—the self-acclaimed “Destroying Angel” and chief Danite for Brigham Young—claimed to have killed “two or three mountaineers” and stolen “several hundred head of stock” during the raid on the mountaineer camp.<sup>33</sup> Hickman had a well-deserved reputation for homicide and theft, but his boasts cannot always be substantiated. The exact scale of his plunderings may not be known, but the tensions between mountaineers and Mormons were evident to all.<sup>34</sup>

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<sup>29</sup> John Taylor, “Reminiscences,” Hubert Howe Bancroft Collection, UCB, 17.

<sup>30</sup> James Knox Polk Miller Diaries, 1854–1868, 5 vols., UCB, 1:4.

<sup>31</sup> “Some of the leading spirits of that band are still in Salt Lake City. Although they do not maintain their organization, begin generally merged into ‘Brigham’s Life Guards,’ yet without the same name, they have performed the same deeds.” John Hyde, Jr., *Mormonism: Its Leaders and Designs* (New York: W.P. Fetridge and Company, 1857), 105.

<sup>32</sup> Rebecca Foster Cornwall and Leonard J. Arrington, “Perpetuation of a Myth: Mormon Danites in Five Western Novels, 1840–1890,” *Brigham Young University Studies* 23 no.2 (Spring 1983): 147–65; Leonard J. Arrington, *Brigham Young: American Moses* (Chicago: University of Illinois Press, 1986), 150, 250.

<sup>33</sup> Hickman, *Brigham’s Destroying Angel*, 93.

<sup>34</sup> Donald R. Moorman with Gene A. Sessions, *Camp Floyd and the Mormons: The Utah War* (Salt Lake: University of Utah Press, 1992), 237.

Other issues only furthered those tensions, for not only did the mountaineers evade laws regarding trade, they refused to pay the “extravagant” tax that they claimed was for the exclusive “benefit of the Mormon Church” that enforced tariffs from hundreds of miles away.<sup>35</sup> The mountaineers were also accused of robbing, looting, and murdering migrants along the trail. William Butler, a Mormon missionary, claimed that the “mountaineers are outlaw and have run from their country to escape the consequences of their crimes...and make their living robbing and murdering unsuspecting travelers.”<sup>36</sup>

Such highwaymen in the Utah Territory seemed to prey on travelers in the Green River Valley. Former Missouri Danite and self-taught Utah lawyer Hosea Stout was sent to Green River on a short mission and prosecuted many cases dealing with lawlessness in the area.<sup>37</sup> Shortly after the raid on the mountaineers, a case was brought to the court that “excited and alarmed” many travelers. A certain H.B. Taylor was a road agent accused of plotting to “rob, plunder & kill certain emmigrants.” During the proceedings it became clear that such activity was “very common” and that many worked as highwaymen, whose business it was “to kill strangers & take their cattle and other property and many other such things.” Taylor did confess and was “cut off from the church.” However, he was “acquitted” of any offense simply because in this region of the territory “there was no law made & provided against any thing charged to him.”<sup>38</sup>

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<sup>35</sup> Gowans and Campbell, *Fort Bridger*, 47.

<sup>36</sup> As quoted in MacKinnon, “Lonely Bones,” 130–31.

<sup>37</sup> Hosea Stout, *On The Mormon Frontier: The Diary of Hosea Stout, 1844–1861*, 2 vols., ed. Juanita Brooks (1964; repr., Salt Lake City: University of Utah Press and Utah State Historical Society, 1982), 2:503–628.

<sup>38</sup> *Ibid.*, 2:525 (14 Aug 1854).

Because of the difficulty in maintaining control on the Mormon frontier, settlers sometimes resorted to extraordinary measures. It was the onset of the Walker War that initially led to Governor Brigham Young revoking all trade with natives in 1853. Communiqués from Governor Young's office indicate that punishment for arms dealing with local Indians in the border regions would be swift and deadly.<sup>39</sup>

By 1857 the U.S. Army had been dispatched to quell the supposed rebellion in Utah. The coming of yet another group into the already charged atmosphere of Utah Territory proved a catalyst for volatile exchanges. The hanging of Private George W. Clark, a young army deserter, in October 1857 demonstrates the air of mutual suspicion and uncertainty that characterized occupied Utah. Unknown persons hanged Clark during the winter and the body remained undiscovered until the spring. Utah's factions blamed one another for Clark's death. The Green River County justice of the peace alleged that the Mormons mistook the deserter "for a spy" and summarily "hung him."<sup>40</sup> But mountaineers or the army were just as capable of doing such a thing and just as likely to exact such justice on a stranger or deserter.<sup>41</sup>

Occasionally, as the story of J.F. Brink demonstrates, individuals circumvented the law when dealing with territorial boundaries. Rustlers stole Brink's cattle during the winter of 1880 and 1881 and he suspected that the criminals fled to Utah, believing themselves beyond the reach of law. Utah officials made "vain attempts to capture" Mr. Howard and his band of thieves, so Brink and his associate, Mr. Bowman, became deputized. After a short journey, the Marshals

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<sup>39</sup> MacKinnon, "Lonely Bones," 132–34.

<sup>40</sup> *Ibid.*, 152–54. Due to several misinformed reports in various newspapers, MacKinnon believes that Clark had met his fate at the hands of mountain men due to a case of mistaken identity.

<sup>41</sup> Gove, *Utah Expedition*, 67, 99–174, 224–26.

cornered the thieves on the borderlands between Utah and Colorado, where they summarily executed Howard and arrested two of his cohorts. Word spread that Brink and Bowman had been outgunned by Howard and his boys, and upon arriving in town they had the morbid pleasure of “reading their obituaries in the Gunnison papers.”<sup>42</sup>

Utah’s frontier settlements resembled those of many border towns throughout the West. These were places where diverse characters, cultures, and groups endeavored to coexist in the desolate and isolated wilderness. Outside the norms and institutions of established society, these nascent colonies and outposts struggled to create order in the wild. Criminals, deviants, and social outcasts were dealt with in extraordinary ways as the frontiers of Utah experimented with violence as a means to maintain order amidst chaos. Inhabitants of the frontier often lived with the reality of violence as part of their daily lives. On the borderlands this was accepted. However, as the next chapter will illustrate, the existence of law and order did not eradicate the use of extrajudicial proceedings in territorial Utah. As one resident noted, “In this world it is not likely that good men will ever be held in the high esteem that they deserve, or that mean men will receive their full measure of contempt.”<sup>43</sup> The first two decades witnessed a high degree of vigilantism and violence as individuals decided to take the law into their own hands on a regular basis. Justice was a very subjective matter.

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<sup>42</sup> Joshua Franklin Brink, “Cattle Thieves in Utah and Colorado,” Hubert Howe Bancroft Collection, UCB, 1–3.

<sup>43</sup> Jesse N. Smith, *Journal of Jesse Nathaniel Smith: The Life Story of a Mormon Pioneer, 1834–1906* (Salt Lake City: Deseret News Publishing Co., 1953), 262.

## Chapter 4

### Lawless Fringe: Punishment and Justice at the Center of the Mormon Stronghold

*It is an ignorant excitement which causes some people in the States to feel and act as they do. Who is there, of all who are really acquainted with our proceedings and will let good reason and good sense operate, that has one word to say against us? No one... The foolish, and those who are controlled by the hissings of the priests, rage against the work of God, and corrupt politicians urge them on.*

—Brigham Young, 5 July 1857<sup>1</sup>

Lawless violence on the frontiers of the Mormon kingdom was predictable as strangers and outlaws converged in the unordered periphery of civilization. Unlike the territorial frontiers, the heart of the Utah Territory was a society founded and established on law, with communities full of individuals that interacted on a daily basis. This fact did not diminish violence in the interior. The residents, both permanent and temporary, were drawn into conflict and vied for preeminence. During the first quarter-century of existence, Utahans resolved many conflicts through extralegal means. Violent encounters were part of everyday life for citizens of the Mormon-dominated territory.

The majority of Utah citizens were tolerant of migrants, visitors, and settlers who were of different religious persuasions. One early observer noted that the Mormons were “not an intolerant people;” rather, they were deeply misunderstood.<sup>2</sup> Latter-day Saints recognized early on that their geographic location afforded them privileges that would only be realized by catering to the outside world. Situated along some of the main thoroughfares to California and other

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<sup>1</sup> *Journal of Discourses, by Brigham Young, President of the Church of Jesus Christ of Latter-day Saints, His Two Counselors, the Twelve Apostles, and Others*, 26 vols. (Liverpool, England: Franklin D. Richards, 1855–86), 5:3–4; hereinafter abbreviated as JD.

<sup>2</sup> William Chandless, *A Visit to Salt Lake; Being a Journey Across the Plains and a Residence in the Mormon Settlements at Utah* (London: Smith, Elder, and Co., 1857), 181.

western destinations, the Latter-day Saints occupied a strategic stretch of land along the western corridor. Moreover, if properly harnessed their dominance in the region could make them a political force. Both these realities would force the people and leaders of Utah into contact with the outside world, engendering a clash of cultures. Handing over the stewardship of their place and people meant being stripped of control. It is understandable why the leaders would initially resist being managed by the government. If nothing else, it would have a massive economic and social impact. These considerations were of less concern than one may think. For the Mormons, the primary problem was the affront to their religious principles.

Having been expelled from their homes in the East, the Mormons were initially hopeful that they would be left unmolested in their desert sanctuary in the Far West. The exodus was immense. Brigham Young and his associates organized and executed one of the most successful large-scale migrations in modern history. Arriving in the Great Basin region in 1847, they quickly began moving all their people to the ecclesiastical headquarters known as the State of Deseret.<sup>3</sup> Encompassing an impressive 490,000 square miles, the State of Deseret stretched from the Sierra Nevadas to the outskirts of the Rocky Mountains. This inland empire was governed though a select group of men known as the Council of Fifty, a group composed primarily of high ranking Mormon leaders.<sup>4</sup> The Mormons had the prospect of independence muffled in 1850. By September the U.S. government had circumscribed the ambitious Mormon settlement to 220,000

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<sup>3</sup> The name meant honey-bee and was derived from the foundational scripture of the Latter-day Saint faith, *The Book of Mormon*; see Ether 2:3.

<sup>4</sup> D. Michael Quinn, "The Council of Fifty and Its Members," *BYU Studies* 20 (Winter 1980): 163–97; Klaus J. Hansen, *Quest for Empire: The Political Kingdom of God and the Council of Fifty in Mormon History* (Lincoln: University of Nebraska Press, 1967), 121–46.



square miles and imposed territorial status—thus theoretically limiting the political dominion of the LDS Church in the region.<sup>5</sup>

With the assassination of their Prophet Joseph Smith still fresh in their memory, along with the troubles in Missouri and Illinois, the inhabitants of the newly formed Utah Territory were reluctant to forswear their heavenly allegiance for mundane membership in a nation that they had abandoned. They thought themselves the favorites of heaven, charged with building a kingdom; why trade that to become mere citizens on a remote frontier?<sup>6</sup> According to the British traveler William Chandless, the constant “fear of being attacked with violence, or outnumbered by settlers,” impelled early Utah Mormons to a disloyalty rooted in “fear” rather than genuine “dislike or savage temper.” They could be loyal, if given the space and chance.<sup>7</sup> The appointment of territorial officials, whom the Mormons found lacking in moral fiber or sympathy to the Saints’ plight only added to the churchmen’s animosity and general disdain for the federal government. Unwilling to be governed by people who did not adhere to the same moral code, the Council of Fifty continued to function as a “ghost government” over the next two decades.<sup>8</sup> It was well understood that the person appointed to be governor of the territory did not govern the people—this was the exclusive prerogative of the Mormon Prophet.

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<sup>5</sup> David L. Bigler, *Forgotten Kingdom: The Mormon Theocracy in the American West, 1847–1896* (Logan, Utah: Utah State University Press, 1998), 45–48; Gustive O. Larsen, *The “Americanization” of Utah for Statehood* (San Marino: Huntington Library, 1971), 1–36; Dale L. Morgan, *The State of Deseret* (Logan: Utah State University Press, 1987); Eugene E. Campbell, “Governmental Beginnings,” in *Utah’s History*, ed. Richard D. Poll (Logan: Utah State University Press, 1989), 156–61, 730–31.

<sup>6</sup> For an example of the common rhetoric employed concerning their past and present condition, see George A. Smith, 24 July 1852 and Ezra Taft Benson, 16 Feb 1853; as quoted in JD, 1:42–45; 2:347–53, respectively.

<sup>7</sup> Chandless, *A Visit to Salt Lake*, 183.

<sup>8</sup> Bigler, *Forgotten Kingdom*, 201–19. While the official term of “Ghost Government” is directly connected to the 1862 revival of the State of Deseret and its bid for statehood, the evidence of shadow government is evident throughout Utah’s history until 1870; see Morgan, *State of Deseret*.

When federally appointed Governor John W. Dawson attempted to challenge this authority structure in 1861 he found himself hiring known ruffians as his bodyguards to guarantee his safety as he fled from the territory after less than a month in office. On the edge of town, his guards betrayed him and beat him severely.<sup>9</sup> According to Bill Hickman, himself not involved in the matter, one of the roughs, Jason Luce, claimed he and others were sent by the police captain to go and “give the Governor a good beating.”<sup>10</sup> Denounced by Brigham Young, three of the culprits stole a horse and skipped town. A mix of official representatives and vigilantes set out after the offenders and cornered them on the outskirts of town. Among the group was Orrin Porter Rockwell who cradled his trusty .44 as he approached one of the participants, Lot Huntington. Both men were known to be quick on the draw. As Huntington took aim, Old Port raised his gun and before the notorious horse thief’s body hit the ground it had been pumped with eight successive rounds in the gut. Huntington and his syndicate benefitted greatly from the influx of cattle brought by federal troops to Utah. Two of Huntington’s cronies, Moroni Clawson and John P. Smith, quickly surrendered to the ‘Destroying Angel’ of Mormondom, but would not live long enough to plead their case to a judge or jury. No sooner had the crooks been handed over to local law enforcement than two shots rang out. Apparently, as they were being escorted to the jail house the criminals had tried to escape and were shot in the attempt.<sup>11</sup>

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<sup>9</sup> Nels Anderson, *Desert Saints: The Mormon Frontier in Utah* (Chicago: University of Chicago Press, 1966), 222; Bigler, *Forgotten Kingdom*, 200–04.

<sup>10</sup> William A. Hickman, *Brigham’s Destroying Angel: Being the Life, Confession, and Startling Disclosures of the Notorious Bill Hickman, the Danite Chief of Utah* (Salt Lake City: Shepard Publishing Co., 1904), 149.

<sup>11</sup> To add to the intrigue, the *Deseret News* did not publish Dawson’s account of the thrashing until 22 January 1862, the same day as the account of the extrajudicial killings of Huntington and his accomplices; see *Deseret News*, 22 January 1862.

Bill Hickman maintained after inspecting the corpses that the fatal wounds did not match the testimony of the escorts, as both victims were “powder burnt, and one of them shot in the face.”<sup>12</sup> Brigham Young commended those involved in the shooting for their willingness and bravery in ridding the territory of unwanted criminals. He then thanked “God that our officers will not suffer themselves to be shot down by notorious scoundrels,” who disrupt the dealings of the “honest citizens of Utah.” As for those criminals who refused to reform, Young encouraged them to attempt to “resist” the law so that they could be summarily dealt with “and then there is an end of them and of their depredations” on the community.<sup>13</sup> The act of allowing criminals to flee in order to justify shooting them down was a well known practice, according to Stenhouse, a former prominent member of the Church. He claimed that the police had “earned the reputation of affording every desperate prisoner the opportunity of escape,” so that extralegal action could be taken within legal boundaries. Stenhouse argues that when these tactics failed that the “invisible hands readily accomplished” extralegal violence without much obstruction.<sup>14</sup>

The fate of Huntington and his accomplices was a resounding reminder that thieves and other criminals whether Mormon or Gentile would be punished without remorse. Saints were encouraged to be heavy handed when dealing with robbers. President Young supported catching them “dead or alive,” so as to deter such activities from gaining a “foothold” in the Territory.<sup>15</sup>

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<sup>12</sup> Hickman, *Brigham Young's Destroying Angel*, 149. For a similar account, see T. B. H. Stenhouse, *The Rocky Mountain Saints: A Full and Complete History of the Mormons, From the First Vision of Joseph Smith to the Last Courtship of Brigham Young; including the Story of the Hand-Cart Emigration; the Mormon War; the Mountain-Meadows Massacre; the Reign of Terror in Utah; the Doctrine of Human Sacrifice; the Political, Domestic, Social, and Theological Influences of the Saints; the Facts of Polygamy; the Colonization of the Rocky Mountains, and the Development of the Great Mineral Wealth of the Territory of Utah* (New York: D. Appleton and Company, 1873), 592.

<sup>13</sup> Brigham Young, 19 January 1862; as quoted in JD, 9:154–55.

<sup>14</sup> Stenhouse, *Rocky Mountain Saints*, 517–19.

<sup>15</sup> Brigham Young, 19 January 1862; as quoted in JD, 9:157.

Two examples of the summary punishment of thieves illustrate this point. When the citizens of Cache County captured known horse thief Davis Skeen they had no jail so they confined him in a school house in Logan. Early in the morning Skeen tried to escape “but met with a detainer in the form of nine rifle balls.” About the same time an emigrant had his horse stolen by A. B. Baker, a known highwayman. Rather than inform the local police, he and an acquaintance set off after the thief. They caught up with Baker in Echo Canyon and the emigrant shot Baker in the thigh. He pled for his life and tried to bargain with his captors by offering to disclose the location where there were more than “a thousand stolen horses.” The newspaper summed up the execution

He was buried by those who thus meted out to him summary justice, not exactly according to law, but upon a more speedy, economical and salutary principle, and a stake placed at the head of his grave, on which was inscribed—‘*A.B. Baker, shot for horse stealing, July 1<sup>st</sup>, 1860.*’<sup>16</sup>

Crime was not taken lightly by Utah residents. It was understood by travelers and residents alike that crime, even “petty theft,” was not tolerated within the city. Repeat offenders found that the more one continued to disobey, the more likely one was to “disappear.”<sup>17</sup> Mormons truly saw themselves as living according to God’s laws, not man’s. President Heber C. Kimball spoke to this point during a General Conference of the Church and reminded the listeners to not be distracted by the vain ambitions of the world, but rather, to endure the “trials, suffering, and sifting,” and live the higher law. They had cast their lot with God’s chosen people—suffering, tribulation, and self-sacrifice were to be expected—they were above the world both spiritually and temporally.

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<sup>16</sup> *Deseret News*, 11 July 1860, 149.

<sup>17</sup> Chandless, *A Visit to Salt Lake*, 195.

If you will not take the course that the Lord has marked out, you might as well back out and go down to the regions of despair, to the gold regions, or where you please, but do not trouble us, we are bound to be Saints. We know that this work is true and if you don't know how to take a course that will bind you to it, plead with and ask God until you do get knowledge for yourselves, until you can bear the same testimony as we do.<sup>18</sup>

This was only possible by following the living oracles. While the world saw a need for distinguishing between political and religious governance, the Saints proclaimed a need to be regulated by a heavenly form of governance.<sup>19</sup>

The Mormon faithful became increasingly suspicious of outsiders in their land. From the pulpit the hierarchy struggled to reconcile the principle of tolerance with outright submission or capitulation to the world. God had “never intended that this people should live by themselves,” but how to live among people of a lesser moral code was a point of constant anxiety for the Church’s leadership. In their view, many of the Gentiles and most of the political representatives sent to impose an alternative order among the Saints “were as corrupt as hell itself.”<sup>20</sup> Their past experience, combined with their current state of affairs, forewarned the Mormons that the outside world was conspiring against them—much in the same way they schemed against Christ and his followers. Memories of past persecution were fresh in the Mormon mindset and the hierarchy vividly recounted the wrongs visited upon the Saints. Recollections of intolerant outsiders stoked fresh fears among the faithful and bound together an already insular society.

So strong was the Mormon sense that being heaven’s favorites meant the enmity of the world that some assumed that Gentile merchants would just as soon kill them, as do business

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<sup>18</sup> Heber C. Kimball, 19 December 1852; as quoted in JD, 2:356.

<sup>19</sup> Parley P. Pratt, 30 Jan 1853; as quoted in JD, 1:172–85; Brigham Young, 8 July 1855; as quoted in JD, 2:309–17.

<sup>20</sup> Orson Pratt, 8 July 1855; as quoted in JD, 3:73–74.

with them. Caution and warning became the beacons for the Mormon residents, especially in their commercial dealings. President Kimball counseled members to help everyone, both those inside as well as outside the Church. But he left a morbid warning that just “because they sell goods a little cheaper” did not indicate that they have Mormon interests in mind. There were many, according to Kimball, who for nearly a decade, “have been lurking like an adder in our path.” He morbidly warned the congregation, “You are nourishing men who would cut our throats,” if given the chance.<sup>21</sup>

Violent crimes against native Utahans gave credence to such extreme views. Alexander Carpenter was a Mormon who owned a small shop that had recently been burglarized. As he sat at the stage office of P. Jackman drinking away his problems he spotted the prime suspect Thomas Ferguson sitting nearby. Both men had been consuming alcohol and got into several quarrels and had to be broken up. After one of the scuffles the bereaved merchant publicly accused Ferguson of being a thief and a scoundrel. Without hesitation the inebriated Ferguson drew his pistol and fired one shot, instantly killing the disconcerted businessman. Perhaps trying to play on the sympathies of fellow Gentiles of the jury, the gunman pled his innocence. However his peers sentenced him to be hanged. With the noose secured tightly around his neck the condemned proclaimed to the small audience that he had “been treated well by everyone” in Utah except Judge Charles Sinclair and the Governor, the former for an unfair trial, the latter for not “commuting his sentence to imprisonment for life.” Next the gallows swung and Ferguson’s

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<sup>21</sup> Heber C. Kimball, 1 January 1860; as quoted in JD, 7:350.

life ended as quickly as he had finished his victim's.<sup>22</sup> An outsider inflamed with alcohol had taken the life of one of Utah's own. The disquieted Saints took note of the new dangers in their midst.

Like robbery, land-jumping was a terrible offense and often led to violent showdowns. John Gheen had joined the Church prior to coming to Utah. In mid-April 1848 he had killed a fellow Mormon, Lilace Conditt, for trespassing on his property. Gheen had squatted on a large piece of land in Pottawattamie County, Iowa and had fenced-off his property when Conditt began to give him trouble. After destroying some of his fence line for the third time Conditt returned with some friends to "Taunt" Gheen to give up some of his land. After warning Gheen, the group "crowded on him and he shot" and killed Conditt. Immediately the "mob rushed upon Gheen and pell mell beat him until they thought him dead."<sup>23</sup> Nearly a decade later Gheen sued the seven men who had accosted him and in true frontier justice was fully exonerated of the murder and awarded \$1500 in damages.<sup>24</sup>

A little more than a year later after the lawsuit, Gheen was found dead on the streets of Salt Lake City with a gunshot wound that entered through his forehead and shattered the back of his skull. Although his death was officially logged as a "suicide," there was much evidence to the contrary. Whether the mob who had recently been indicted for assaulting the murderer of their friend also killed Gheen will never be known. Violence was becoming commonplace by this

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<sup>22</sup> Hosea Stout, *On The Mormon Frontier: The Diary of Hosea Stout, 1844–1861*, 2 vols., ed. Juanita Brooks (1964; repr., Salt Lake City: University of Utah Press and Utah State Historical Society, 1982), 2:703–04; U.S. Senate, *Executive Document*, no.32 (36<sup>th</sup> Cong., 1<sup>st</sup> sess., 1860), 36. For further background, see *Valley Tan*, 12 September and 2 November 1859.

<sup>23</sup> John D. Lee, *A Mormon Chronicle: The Diaries of John D. Lee, 1848–1876*, 2 vols. ed. Robert Glass Cleland and Juanita Brooks (San Marino: Huntington Library Press, 2003), 1:19–20; Stout, *On the Mormon Frontier*, 2:659. Gheen apparently served some time for his crime in Iowa and was "discharged for some error in the writ." Stout, *On the Mormon Frontier*, 2:335–36.

<sup>24</sup> Stout, *On the Mormon Frontier*, 2:659.

time. One week after Gheen's demise, another victim was discovered fatally shot from behind with the deadly round "coming out at the fore head."<sup>25</sup>

Doctor J. King Robinson had a similar situation. However, the vigilantes who took his life acted much more quickly. As a Gentile doctor who worked at Camp Douglas, Robinson lived on the margins of the Mormon dominated society, both physically and metaphorically. Claiming some unsettled land outside the "occupied limits of Salt Lake City," Robinson constructed a small shanty to claim the land and demonstrate ownership. Some locals disputed his right to claim land in the area and contended his ownership. Similar to Gheen's encounter, a group of ruffians vandalized Robinson's shanty, threatened him and warned him to desist from building on the property. The doctor refused to remit his claim and sought legal counsel, a decision that would soon cost him his life.<sup>26</sup>

Robinson brought a claim against James S. Brown, Henry Arnold, and John Fraser in the Third District Court. In an interesting turn of events, the defendants "disclaimed all interest in the land described in the complaint" and declined to be involved in proceedings.<sup>27</sup> Perhaps they already had decided how to rectify the situation. A few days later, Robinson was coaxed out of his home in the midnight hours by some men claiming that their friend needed medical attention. Hesitant at first, the doctor finally acquiesced and hurried into the streets on what would be his

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<sup>25</sup> Stout, *On the Mormon Frontier*, 2:703; *Valley Tan*, 28 September 1859; *Deseret News*, 28 September 1859. For background concerning the death of Gheen and rumors of his murder by the hand of vigilantes, see Harold Schindler, *Orrin Porter Rockwell: Man of God, Son of Thunder* (Salt Lake City: University of Utah Press, 2<sup>nd</sup> ed., 1983), 297–301; Stenhouse, *Rocky Mountain Saints*, 470–71.

<sup>26</sup> *Deseret News*, 24 October 1866, 373.

<sup>27</sup> *Ibid.*



last medical call. Once out of the home, the roughs shot and stabbed the doctor and left him for dead on “one of the most public thoroughfares” in the city.<sup>28</sup>

Citizens, both Mormon and gentile, raised funds to be granted for the capture of the murderers, but the perpetrators were never apprehended.<sup>29</sup> Gentiles believed that the doctor was killed for his land and his bravado in bringing a lawsuit against the local officials to deter further damage to his property and interference from the police.<sup>30</sup> It was well known in the territory that Mormons punished land-jumpers through extralegal means. Saints viewed the Utah Territory was theirs and if any dared jump their claim, they would summarily destroy the shanties and duck “the trespassers in the river until they begged for their lives and promised to leave the country.”<sup>31</sup> In Robinson’s case, Mormons laid the blame at the feet of the “transient population” whose desperate character and dubious acts lead them to perpetrate many a crime in the territory.<sup>32</sup>

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<sup>28</sup> *Union Vendette*, 24 October 1866, 2; J. H. Beadle, *Life in Utah; or, the Mysteries and Crimes of Mormonism. Being an Expose of the Secret Rites and Ceremonies of the Latter-day Saints, with a Full and Authentic History of Polygamy and the Mormon Sect from Its Origin to the Present Time* (Philadelphia: National Publishing Co., 1870), 207–08.

<sup>29</sup> *Deseret News*, 31 October 1866, 380.

<sup>30</sup> *Deseret News*, 24 October 1866, 373; R. N. Baskin, *Reminiscences of Early Utah* (Salt Lake City: Tribune-Reporter Print Co., 1914), 13–16.

<sup>31</sup> Anderson, *Desert Saints*, 254.

<sup>32</sup> *Deseret News*, 31 October 1866, 380. For further commentary and defense of the Mormon position, see B. H. Roberts, *Comprehensive History of the Church of Jesus Christ of Latter-Day Saints*, 6 vols., (Salt Lake City: Deseret News Press, 1930), 5:194–215.

Brigham Young did not help appease any fears when he preached two months following the murder that he would not tolerate outsiders pushing the Mormons off their land.<sup>33</sup>

Authorities and the people of Utah countenanced killings, so long as those involved killed only other criminals. The alleged murderer of Frank McNeil died at the hands of another known criminal, Jason Luce. Arrested for the crime, Luce was quickly “tried and acquitted,” according to Hickman. Unfortunately for Luce, a bowie knife that had saved his life so many times before would ironically lead to his demise. While in Montana he had a run in with a local “desperado” whom he dispatched with deadly precision. Utah officials ended up executing Luce for the crime. Hickman felt that the real reason officials wanted his son-in-law dead was because Luce had spoken out against Brigham and police captain Bob Golden after the incident with Governor Dawson—not for the killing of a Montana rough. J. H. Beadle claimed that Luce’s execution was unjustified and was only carried out because the Church “needed a victim” to appease visitors and the federal government.<sup>34</sup>

The violent death of McNeil was a reminder that others were dealt with in a more surreptitious manner. Accused of being a gentile spy for the government when he first arrived in Utah, McNeil had continually been at odds with Church leaders and the law. He was sentenced to three months for threatening the life of John Candland, but was pardoned by Governor Alfred

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<sup>33</sup> Brigham Young, 23 December 1866; as quoted in JD, 11:280–81. During a talk in Grantsville, Utah, 20 July 1875, President George Q. Cannon made deadly threats to land-jumpers stating that, “God has given us this land, and if any outsider shall come in to take land which we claim, a piece six by two is all they are entitled to, and that will last them to all eternity” (as quoted in Anderson, *Desert Saints*, 256). Evidence that George A. Stringham, who admitted involvement in the murder of Sergeant Ralph Pike, also divulged, according to a family member, to being involved in Dr. Robinson’s murder; see D. Michael Quinn, *Mormon Hierarchy: Extensions of Power* (Salt Lake City: Signature Books in association with Smith Research Associates, 1997), 245, 530n130. For further background on the murder of Dr. Robinson and the connection to land disputes, see Bigler, *Forgotten Kingdom*, 247–58.

<sup>34</sup> Hickman, *Brigham’s Destroying Angel*, 212. The quote is taken from one of the appendices to Hickman’s autobiography, to which J. H. Beadle added explanatory notes. For further background on Jason Luce, see *ibid.*, 147–50; Stout, *On the Mormon Frontier*, 2:706.

Cumming and set free. McNeil brought suit against Brigham Young and other leaders for “false arrest” and tried to collect \$25,000 in damages.<sup>35</sup> The unexplained details surrounding his demise only heightened suspicions about clandestine vigilantes in the territory. McNeil was attacked on Main Street, “the busiest thoroughfare in the city,” yet, no one could identify the shooter(s), raising more concerns about the complicity of citizens and residents in protecting their own.

Although McNeil’s murder occurred the day before going to trial, dissident Bill Hickman absolved the Church hierarchy of any wrong doing. McNeil had been involved in the cattle thieving business and was caught between a dispute between Huntington and Hickman, the heads of the two major gangs. One of the members of Huntington’s band, Joe Rhodes, “a cut-throat and a thief,” had some unsettled business with McNeil and settled it by slaying him in the street. The wounded McNeil went to court, but had no idea who had shot him and died shortly thereafter.<sup>36</sup> With both parties being known criminals, there was little attempt to track down the killers who would hopefully, in the eyes of many Utahans, “kill off each other.”<sup>37</sup>

The *Deseret News* commented that murder had become so commonplace in Utah that “such occurrences do not seemingly attract much attention particularly when the murdered have had the reputation of being thieves and murderers or of associating with such characters.”

Shootings were becoming “the order of the day,” but according to the *News* the presence of the federal government and tense relationships with appointed officials deterred Territorial officials

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<sup>35</sup> Stout, *On the Mormon Frontier*, 2:665. The pardon by Gov. Cummings is a prime example of the tensions between leaders sent from Washington and how they used their power to exonerate known criminals. For other unsuccessful suits against Brigham Young, see Baskin, *Reminiscences of Early Utah*, 54–58.

<sup>36</sup> Gove, *The Utah Expedition*, 380–83; Hickman, *Brigham’s Destroying Angel*, 140–41; Stout, *On the Mormon Frontier*, 2:700; U.S. Senate, *Executive Document*, 30, 35. Later Rhodes attempted to kill Hickman and was stabbed to death by Jason Luce, Hickman’s son-in-law and bodyguard. At the time Hickman was recovering from wounds received from a shoot out with Lot Huntington; see Hickman, *Brigham’s Destroying Angel*, 142–47; Stout, *On the Mormon Frontier*, 2:706.

<sup>37</sup> Stenhouse, *Rocky Mountain Saints*, 417.

from expelling or eliminating the “horse thieves, black legs, and murders.” Had the leaders acted accordingly, “earth and hell would have been moved to another crusade against Utah to exterminate” the treasonous Mormon population in the Utah Territory. This state of affairs necessitated that the laws for dealing with criminals not be strongly “insisted upon;” rather, lawbreakers would be best treated extralegally. It was not uncommon for lawmen to look the other way when citizens dealt with criminals, or delinquents got into problems with rivals. An editorial in the *Deseret News* encouraged residents to be vigilant and to use extralegal force to keep themselves safe and their streets clean, because federal government appointees would not.<sup>38</sup>

Salt Lake City had become a flashpoint for conflict between different organized crime factions, spreading unease and violence throughout the land. The surge in hostility and crime was met with equal force by vigilantes ready and willing to use extraordinary force to bring order to Utah. This is clearly evidenced in the suppression of organized crime. Cattle rustling was a prosperous business that appealed to the criminal element in Utah. Various groups operated throughout the territory and at times engaged in turf wars with rival gangs.<sup>39</sup> A series of brawls, gunfights, and murders began to escalate as “a large gang of horse thieves” wrought mayhem for citizens throughout the territory.<sup>40</sup> Led by rivals Joachim Johnson and William Hickman, these two Salt Lake bands scandalized residents with their constant battles and preyed upon wealthy citizens as well as the government’s stock at the various military outposts. “At this time there

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<sup>38</sup> *Deseret News*, 23 May 1860, 92.

<sup>39</sup> *Valley Tan*, 22 February 1859; Hickman, *Brigham’s Destroying Angel*, 141–42.

<sup>40</sup> Stout, *On the Mormon Frontier*, 2:705. See also Lee, *A Mormon Chronicle*, 1:222–23. An incident at Camp Scott required additional artillery units to be dispatched from Fort Bridger to assist in quelling the disturbances of a large group of “some sixty lawless men in that neighborhood who live by plunder and murder” and had been disrupting the residents. Five of the “marauders” had been killed, and the fear of reprisal engulfed the outpost. Gove, *Utah Expedition*, 225–26.

was considerable stock-stealing from the Government, and, in fact, all over the country, from both Gentiles and Mormons.”<sup>41</sup> The competition led to a row between the self-avowed Danite Chief Hickman and Lot Huntington where more than sixty shots were fired.<sup>42</sup> Eventually, as detailed previously, the leaders and prime conspirators would be hunted down by Old Port Rockwell, the highly capable gunslinger and former bodyguard to the prophets.

During this time a young bandit had been in cahoots with the local Utes, using them to prosper his criminal organization. Residents of Utah County were trying to figure out how to handle Isaac “Ike” Potter and his mixed band of outlaws and Indians. For years Ike and his posse had profited from their banditry and terrorizing of the settlers and travelers in the southern region. Although Potter had been raised in a Mormon family in Idaho, he had disassociated himself from the Church and indulged in a life of crime. Thomas J. Barney rode with Potter for a few years but then decided to repent of his ways and leave behind the lawless lifestyle. Three months later as Barney sat at home rocking his baby a shotgun slid through the nearby widow and took aim at the unsuspecting father. The first shot tore the side of Barney’s face and neck apart propelling him to the ground. The second blast ripped his back open; luckily his body protected the young child who lay under the bloodied corpse. With his dying breaths Barney identified Ike Potter and members of his former gang as the ones responsible for the shooting.<sup>43</sup>

By March it looked like Ike’s days as a public nuisance were about to end. Arrested for grand larceny he was fined four hundred dollars and ordered to return for the second charge of murder. He could spend the rest of his days in the penitentiary or at the end of a noose. However,

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<sup>41</sup> Hickman, *Brigham’s Destroying Angel*, 141–42.

<sup>42</sup> Stout, *On the Mormon Frontier*, 2:700, 706; Hickman, *Brigham’s Destroying Angel*, 140–47.

<sup>43</sup> *Deseret News*, 8 April 1863.

after three days of questioning the jury found Potter “not guilty” as the evidence pinning him to the scene of the crime was circumstantial and Potter walked away scot-free. He must have felt elated and invincible as he rode from the courthouse to resume his post as the leader of the area’s most renowned cattle rustling gang.<sup>44</sup>

Citizens in Springville had let Ike slip away, but vigilantes to the north were not as forgiving. Four years passed and the Utah desperado found himself once again in the hands of the law. He and two friends, Charles Wilson and John Walker, were suspected of theft. They had been in this situation before and felt confident that if found guilty, the penalty would be nominal. The three must have been utterly taken by surprise when a group of armed men appeared at their dwelling and ordered them out of their holding chamber. It was nearly midnight, a strange hour to be escorted from their self-styled cells in the schoolhouse. Adding to the prisoners’ uncertainty, they noted that the armed men were not the familiar guards. Each of the captives recognized that their escorts were vigilantes and that this march into the darkness was meant to conceal the extrajudicial proceedings. All the prisoners had apostatized from their native religion and Ike was still considered a murderer, regardless of the court’s ruling in Barney’s death. The prisoners understood that death was stalking them, so they decided to bolt.

Before Potter could get far he was shot at close range and died instantly. Wilson was more fortunate in his flight, but he too was eventually chased down and killed. The only survivor was nineteen year old Walker who escaped with lacerations from gunshots to his hand, wrist, and

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<sup>44</sup> *Deseret News*, 8 April 1863; see also Ronald O. Barney, *One Side by Himself: The Life and Times of Lewis Barney, 1808–1894* (Logan: Utah State University Press, 2001), 187–88. It is possible that citizens of Springville were afraid to indict Potter because of his connection to a band of fierce Ute warriors whom he claimed would sack the town if anything were to happen to him. He had a history of inciting violence in the area, and this may have deterred legal and extralegal punishment against him; see John Alton Peterson, *Utah’s Blackhawk War* (Salt Lake City: University of Utah Press, 1998), 38, 205–07, 301, 326, 342–47.

chest.<sup>45</sup> Walker managed to elude his captors and sought refuge at an army outpost where he provided the identity of eight of the vigilantes. Judge John Titus committed the accused to the penitentiary. However they never arrived. A few days after their indictment, a sardonic letter was printed in the *Salt Lake Daily Telegraph* bearing the signatures of all eight fugitives. In complete mockery of the charges against them the proud vigilantes enumerated their reasons for electing not to await their trial behind bars. Firstly, the residence did not have the proper amenities and they did not want to “tax the warden’s hospitality.” Furthermore, none of them desired to inhabit the same quarters with villains like “Potter, Wilson, and Walker,” whom they found “decidedly offensive to our olfactory nerves.” Lastly, they were men of valor and promise and as such could not bear to be a financial burden on their territory, but rest assured, they would be present during their trial the following month.<sup>46</sup>

Their brazen attitude was justified. None served time in jail or even appeared before a court to answer for their actions. Soon after the identifying of the culprits, Walker disappeared and was never heard from again. With the vanishing of the star witness and a citizenry not interested in prosecuting the men who had served justice to lawless individuals, the eight men returned to their daily lives. Arza Hinckley, the commander of the guards on the night of the killings, went on to serve as the probate judge in Summit County.<sup>47</sup> As gruesome as the actions were, the people of Utah County did not lament the vigilante justice that had been dealt to the known criminals. The official organ of the Mormons justified the procedures without remorse.

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<sup>45</sup> *Union Vendetta*, 8 August and 8 September, 1867.

<sup>46</sup> The veracity of the letter was questioned by the editor of the *Union Vendette* who called it “a hoax of the first water,” *Union Vendette*, 21 September 1867. However, the following month he ran a piece that appeared to be based heavily on the facts outlined in the letter from the vigilantes; see *Union Vendette*, 16 October 1867.

<sup>47</sup> Baskin, *Reminiscences of Early Utah*, 12.

The fiend had escaped from justice “forty two times.” Therefore, “is it any wonder that the feeling should prevail in portions of this Territory” that since,

*we cannot get protection from the Federal Courts; they constantly release upon us criminals, thieves and murderers, whose boast is, that the Federal Judges are their friends; [consequently] we must protect ourselves, and administer summary punishment to the guilty? We do not wonder at these men being killed; we do wonder that it has been borne so long; and we also wonder, sometimes, that an outraged and justly incensed people do not administer summary punishment to the legal and official protectors and abettors of such criminals.*<sup>48</sup>

In the eyes of the territory Ike was nothing more than a “desperado, thief, agent of Indian ravagers, and accomplice, if not [an] actual murderer,” and had met his just deserts.<sup>49</sup> Barney had received the vengeance he had hoped for, but it is doubtful that any of his direct family or friends were able to participate in the extrajudicial proceedings.<sup>50</sup> Regardless, the territory was now free of one of the most barefaced crooks in Utah history.<sup>51</sup>

Outsiders not only invaded the Saints’ sanctuary, but more alarmingly, they corrupted the morals. According to one observer, when Johnston’s Army entered the territory,

they found in the valleys of the Saints a wider and safer field for operations, they gave rein to their vilest passions, and a worse set of vagabonds never afflicted any community with their presence than did the followers of Johnston’s army the inhabitants of the chief city of Zion. Quite a number of young Mormons—and some not so young—became as reckless and daring as any of the imported Gentiles, and life and property for a time were very insecure in Salt Lake City.<sup>52</sup>

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<sup>48</sup> *Deseret News*, 11 September 1867, italics part of original.

<sup>49</sup> *Ibid.*

<sup>50</sup> During his last moments of life, Barney had expressed the desire for vengeance to his brother; see *Deseret News*, 8 April 1863; Barney, *On One Side by Himself*, 188. Thomas Barney had been killed in Springville, and the vigilance committee had captured Potter and his gang in Coalville, Utah, to the north of Salt Lake; therefore, for this reason it is highly doubtful that the members were directly acquainted with Barney. However, it is highly probable that they were aware of the murder of Barney and that Ike was the prime suspect due to the coverage of the trial in the newspapers.

<sup>51</sup> Peterson, *Utah’s Blackhawk War*, 343–44.

<sup>52</sup> Stenhouse, *Rocky Mountain Saints*, 417.



Prior to the army's arrival, the Church owned *Deseret News* boasted the territory's extremely low crime rate.<sup>53</sup> However, the claim that more murders and crimes had occurred in the first nine months of the army's presence than in the last nine years is hardly true.<sup>54</sup>

Adding to the already tense atmosphere were Army regulars camped at the city's edge. Their presence "caused the Mormons much anxiety" and led to several brawls and shoot outs with casualties on both sides.<sup>55</sup> The killing of Sergeant Ralph Pike demonstrates the tensions between settlers and the unwelcomed government troops and highlights the communal acceptance of violence against unwanted outsiders. While on a seemingly peaceful mission to Rush Valley, Pike had been accused of smashing the skull of a young Mormon Howard Spencer with the butt of his rifle. Conflicting stories arose as to whether Pike had acted in self-defense; regardless, a warrant for his arrest was issued and Pike appeared in court at Salt Lake City. During an afternoon break in the proceedings the soldier was returning to his hotel room when he was shot in the back of the head on a crowded downtown street. Many citizens witnessed the attack but none was willing to identify the killer. It was speculated that Spencer had done it out of "revenge," and this was supported by army officials who were at the scene of the crime.<sup>56</sup> This act reinforced complaints that Utah suffered from many acts of "unlawful violence" that were condoned by leaders and citizens alike.<sup>57</sup> The Church sponsored *Deseret News* supported the

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<sup>53</sup>*Deseret News*, 19 October 1850, 140.

<sup>54</sup> Schindler, *Orrin Porter Rockwell*, 297.

<sup>55</sup> Durwood Ball, *Army Regulars on the Western Frontier, 1848–1861* (Norman: University of Oklahoma Press, 2001), 159.

<sup>56</sup> Stout, *On the Mormon Frontier*, 2:701; *Deseret News*, 17 Aug 1859.

<sup>57</sup> "Proclamation" by President James Buchanan, as quoted in LeRoy R. and Ann W. Hafen, eds., *The Utah Expedition, 1857–1858, a Documentary Account of the United States Military Movement under Colonel Albert Sidney Johnston, and the Resistance by Brigham Young and the Mormon Nauvoo Legion* (Glendale: The Arthur H. Clark Co., 1958), 333.

extrajudicial apathy towards pursuing the vigilante. “We do not approve of the act, but if it shall finally be made to appear, that young Spencer was the murderer, there are many no doubt, who will justify the deed, and laud the bravery of a lad, who thus avenged the wrong that had been committed upon him without provocation.”<sup>58</sup> Remonstrations from officials that Pike’s initial act of violence was the result of self-preservation fell upon deaf ears.<sup>59</sup>

Each group believed they were functioning within the limits of the law and the other had acted outside the bounds of justice. The violence did not end with the murder. Enraged by the fact that the culprit went unpunished, friends of the deceased attacked an unsuspecting group of settlers at Cedar Fort, burning stables and running off livestock. Shots were fired, but no one was injured.<sup>60</sup> In a much delayed demonstration of justice, exactly twenty nine years later, Howard Spencer and accomplice George Stringham were arrested for the murder of Sergeant Pike. Confident in his innocence, the accused plead “not guilty” and felt confident that although he admitted shooting the official, he “was justified, as the Sergeant had tried to kill him.”<sup>61</sup> The trial carried on for a few months hearing testimony from both the prosecution and defense.<sup>62</sup> Nine months later the jury found the defendants not guilty—a decision that the judge found repulsive, yet, was “warmly congratulated by all classes” of citizens.<sup>63</sup> The *Deseret News* sustained the

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<sup>58</sup> *Deseret News*, 17 August 1859.

<sup>59</sup> Norman F. Furniss, *The Mormon Conflict, 1850–1859* (New Haven: Yale University Press, 1960), 216–24; Donald R. Moorman with Gene A. Sessions, *Camp Floyd and the Mormons: The Utah War* (Salt Lake: University of Utah Press, 1992), 252–55; *Valley Tan*, 31 Aug 1859; U.S. Senate, *Executive Document*, 31, 35; William Preston Johnston, *The Life of Albert Sidney Johnston, Embracing his Service in the Armies of the United States, the Republic of Texas, and the Confederate States* (1878; repr., with a new introduction by T. Michael Parrish, New York: Da Capo Press, 1997), 227–28.

<sup>60</sup> Furniss, *Mormon Conflict*, 225–26; Moorman with Sessions, *Camp Floyd and the Mormons*, 256–58.

<sup>61</sup> *Deseret News*, 15 August 1888.

<sup>62</sup> *Deseret News*, 22 August and 3 October 1888.

<sup>63</sup> *Deseret News*, 18 May 1889, 672. The final court proceedings can be found here in their entirety, 661–72.

proceedings and “commended the jury for their impartiality and courage” to rest the blame for the crime on the “murderous and lawless ruffian who perished in his guilt in the streets of this city more than thirty years ago.”<sup>64</sup>

This concept of using the legal system to go beyond the boundaries of justice was a common theme during the Territorial period. As demonstrated by the Pike incident and McNeil, both were legally exonerated from crimes of which they were guilty. For McNeil, the governor used the extrajudicial ability to pardon him, regardless of the sentence from the local court. In the eyes of the Mormon populace, this was unacceptable. Spencer, on the other hand, would not be prosecuted for his crime for nearly three decades although Pike’s military colleagues sought retribution for his murder. Finally, he was brought to trial and admitted guilt, but was acquitted of any wrongdoing.

Authorized lawmen and public officials were capable of engaging in extralegal vigilantism, as the Morrisme siege and its aftermath demonstrate. The contest between Joseph Morris and state sponsored forces afforded critics of the Church a bloody example of extrajudicial punishment executed by official representatives. The controversy began in 1859 with Morris acknowledging Young’s position as administrative leader of the Mormon Church, but proclaimed himself the charismatic leader of the faithful. Morris garnered a significant following as he vied for support within the Mormon dominated region of Salt Lake City. On 6 April 1861 he started the Church of Jesus Christ of Latter-day Saints of the Most High and moved his nearly one thousand adherents to Kingston Fort, north of the Mormon headquarters. When Morris imprisoned three followers for not consenting to hand over all their belongings,

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<sup>64</sup> *Deseret News*, 18 May 1889, 647. Spencer was exonerated on the grounds of “temporary insanity.”

officials in Utah had the pretext they longed for to use force against the small sect. In an interesting reversal, the Mormons decided to use their governmental power to put down the rebellious leader. The *Deseret News* viewed the group as being similar to “thieves and robbers” whose aim it is to “set at defiance all law” and called for the assemblage of “armed resistance” to quell the dissenters.<sup>65</sup> The official “posse” used brute force and over a three day siege “killed several of the villains.” Within a few days the Mormon-led militia had used two cannons and an armed posse to free the prisoners and prohibit the Morrisites from gaining a stronghold in Utah. While more than half a dozen Morrisites were killed, the Mormon perpetrators claimed they were not culpable of murder, as they were dealing with “an organized band of desperados” and acting within their official capacities as lawmen.<sup>66</sup>

The use of a militia was justified, however, the display of extreme force raised questions about the legality of attack on the Morrisites. The first shots fired were not by the Morrisites, rather, the Utah militiamen launched a cannon ball as a warning shot, killing two women and shattering the jaw of a young fourteen year old girl. In command of the territorial armed forces was Robert T. Burton, who witnesses claimed shot Morris and others who were unarmed. The killing of Joseph Morris and some of his faithful, demonstrates how lawmen were capable of going well beyond the bounds of justice, even when carrying out their official duties. In the aftermath of the war, seven of the Morrisites were condemned to ten and fifteen year sentences in probate court for their roles in the resistance. Reluctant to allow Mormons a complete victory, Governor Harding also used his official power as a reprisal against the Mormons by pardoning

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<sup>65</sup> *Deseret News*, 18 June 1862, 404.

<sup>66</sup> *Deseret News*, 25 June 1862, 412. For further background on the Morrisite War, see C. LeRoy Anderson, *Joseph Morris and the Saga of the Morrisites* (Logan: Utah State University Press, 1988), 81–158; Bigler, *Forgotten Kingdom*, 208–15;

all of the convicted Morrisites three days later.<sup>67</sup> This was not the first, nor would it be the last, time that federal government would countermand the church's orders. For Governor Harding the Mormons had manipulated the law to suppress Morris and his followers and thus he felt justified in dismissing the verdict against the victims.<sup>68</sup>

Adultery and seduction were crimes that led many men to commit acts of extralegal punishment in the territory. The laws forbid adultery and carried stiff fines and penalties—up to one thousand dollars and a maximum of twenty five years in prison. Those found guilty of seduction could be imprisoned for up to twenty years and receive a thousand dollar fine.<sup>69</sup> An interesting legal provision permitted residents to “kill another” when done “in a sudden heat of passion caused by the attempt of any such offender to commit a rape upon his wife, daughter, sister, mother, or other female relation or dependant; or to defile the same, or when the defilement has actually been committed.”<sup>70</sup>

For such killing to be deemed legal, it had to “appear that the circumstances were sufficient to excite the fears of a reasonable person, and that the party killing, really acted under the influence of those fears, *and not in a spirit of revenge.*”<sup>71</sup> As the following examples demonstrate, this condition was not always obeyed nor respected by Utahans.

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<sup>67</sup> *Deseret News*, 8 April 1863, 324–28.

<sup>68</sup> *Deseret News*, 1 April 1863, 317; 15 April 1863, 332–33; Hickman, *Brigham's Destroying Angel*, 161–63.

<sup>69</sup> *Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah. To Which is Prefixed...The Constitution of the Provisional State of Deseret, the Deseret Laws, and the Organic Act of Utah* (Salt Lake City: Joseph Cain, Public Printer, 1855), 185–87.

<sup>70</sup> *Ibid.*, 204.

<sup>71</sup> *Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah*, 204; italics added.

One of the earliest lessons for outsiders attempting to seduce the wives of Mormon men occurred on a Sunday in 1851 when John M. Vaughn, a gentile, became “too intimate” with Madison Hambleton’s wife. Hambleton was a member of the Church in good standing. Maybe Vaughn decided that since Hambleton was a polygamist he would not object since he had plenty of other women. He was dead wrong. Hambleton came to Sunday services in Manti, Utah armed and ready to end the matter permanently. After the meetings he approached Vaughn from behind, raised his weapon, and took deadly aim. Without any attempt at concealing his actions, Hambleton pulled the trigger in front of the entire congregation. His actions were sanctioned by the community and Hambleton was later acquitted of the murder. There were witnesses and the trial “did not last more than fifteen minutes.”<sup>72</sup> When Brigham Young heard of the incident he publicly congratulated Hambleton on a job “well done.”<sup>73</sup> A seducer had endeavored to lure one of his wives away and Hambleton had taken the law into his own hands. This would not be the last time that rough justice would be used to deal with men preying on Mormon wives.

By the 1860s the numerous army outposts brought many single men into close proximity to the women throughout the territory. Problems arose when a “bandit of soldiers from Camp Douglas” teamed up with a woman named McMullen to kidnap young ladies. The gang consisted of eight to ten well armed “ruffians” who would overpower the victims once they were duped by Mrs. McMullen who would be seated in a nearby carriage. Once the citizens became aware of the “carriage and kidnapping posse,” they began to gather in considerable number with the intent of “immolating the whole of them as an ensample to all future desecrators” of the

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<sup>72</sup> Slater, *Fruits of Mormonism*, 15–16.

<sup>73</sup> David L. Bigler, ed., *A Winter with the Mormons: The 1852 Letters of Jotham Goodell* (Salt Lake City: University of Utah Press, 2001), 74–75, 83–84.

homes and families of the Utah residents. After debate the citizens decided to allow the law to take its proper course and they petitioned the local authorities to capture the “rascals.” By the next day six had been arrested and five had fled the territory.<sup>74</sup>

The sanctity of the female population legitimized the killing of Newton Brassfield, a gentile living in Salt Lake City who was courting Mary Hill. The problem was that Hill was the polygamous wife of one Archibald Hill, who was away on an LDS mission. When Brassfield attempted to gain custody of the children many citizens became incensed with the seducer and homewrecker. During the legal proceedings Brassfield was gunned down in broad daylight “on one of the principal streets of Salt Lake City” as he walked with a U.S. Marshall to his hotel room. Although the killing occurred when the street was “thronged with people,” the shooter slipped through the crowd unmolested.<sup>75</sup> Gentiles banded together and offered a substantial reward, but to no avail.<sup>76</sup>

The *Deseret News* admitted that extralegal violence was not only accepted, but common in the West. Such extrajudicial proceedings “happened here, as everywhere else that hot blood sometimes is too hasty for the slow steps of law, and a wrong is attempted to be right by violence.”<sup>77</sup> Besides, killing of seducers was well documented and accepted throughout the

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<sup>74</sup> *Deseret News*, 29 April 1863, 349.

<sup>75</sup> Baskin, *Reminiscences of Early Utah*, 16.

<sup>76</sup> *Ibid.*, 16–17; Roberts, *Comprehensive History of the Church*, 5:184–89. The lack of communal support in finding the perpetrator in this instance and many other in Utah history (namely the absolute disregard for rewards posted during the polygamy raids) challenge certain aspects of Stuart H. Traub’s thesis concerning the public reception and influence of monetary gain for those who assisted in capturing criminals. “Rewards, Bounty Hunting, and Criminal Justice in the West: 1865–1900,” *Western Historical Quarterly* 19 no.3 (August 1988): 287–301. Of particular import here is the definition of a criminal and how local views differed with outside interpretations. This reinforces how the Mormons viewed their vigilantes, and how Gentiles saw them from a different perspective.

<sup>77</sup> *Deseret News*, 19 April 1866, 157.

territory.<sup>78</sup> Shortly after the murder of Brassfield, Young spoke to the hypocritical nature of outsiders when dealing with violence that fell outside the realms of regulated justice.

Go to cities west, north and east of us, and it is not uncommon to find half-a-dozen men dead by violence in a morning. What is said about it? Why, nothing. But if a scoundrel should meet his just deserts here, what an outcry is made? The Christian world is in an uproar about it; the thing is so rare. But if there were half-a-dozen men killed a day here, as in some other places, it would scarcely be noticed; it would not be so rare.<sup>79</sup>

Violence was common in Utah's northern and central communities.<sup>80</sup> Many LDS were not afraid to admit their acceptance of extralegal violence in order to maintain harmony in their settlements. One advocate of extrajudicial proceedings summed up the Mormon disposition when he stated that "if men were found who were murderers and thieves and beyond the control of society and law it would be better if they were disposed of."<sup>81</sup> This sentiment was shared by many citizens in early Utah.

The acceptance and use of extralegal justice did not diminish within the ordered and bustling settlements of the Utah Territory. In fact, it was not only accepted but condoned by the three dominant groups that made up the population—Mormons, Gentiles, and U.S. government officials. Each group saw themselves as unique: Mormons were Saints, members bound to live a

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<sup>78</sup> *Deseret News*, 8 April 1863, 325. For the most detailed study of the acceptance of extralegal punishment of seducers, see Kenneth L. Cannon, "'Mountain Common Law': The Extralegal Punishment of Seducers in Early Utah," *Utah Historical Quarterly* 51 no.4 (Fall 1983): 308–27. An interesting side note to the Brassfield killing was that it nearly brought General William T. Sherman's wrath upon Utah. Thanks to Brigham Young's timely response, the potential disaster was averted. When apprised of the Utah situation, the General sent direct correspondence to Brigham Young and not to local authorities. Needless to say Young capitalized on Sherman's mistake and emphatically denied the accounts of murder by certain citizens and appended an affidavit by friendly gentiles who gave contradictory statements to those made by citizens concerned with vigilantism in Utah. Correspondence between William T. Sherman and Brigham Young as quoted in Roberts, *Comprehensive History of the Church*, 5:189–93.

<sup>79</sup> Brigham Young, 13 January 1867; as quoted in JD, 11:289.

<sup>80</sup> Thomas G. Alexander, *Utah, the Right Place: The Official Centennial History* (Salt Lake City: Smith Gibbs Publisher, 1995), 136.

<sup>81</sup> Journal of John W. Christian; as quoted in Quinn, *Mormon Hierarchy: Extensions of Power*, 258n213.



higher law; Gentiles were ordinary people living among religious fanatics; and the government officials were the lords over all, men endowed with power and authority. Each carried their own set of morals and, to a degree, their own laws. As they vied for power and stability they clashed with one another. Extralegal procedures were justified and used to deal with crime, settle differences, and attempt to bring stability to each community.

Conflicting realities clashed inside the boundaries of the Utah Territory and extrajudicial proceedings flourished within the structured society of the Saints. In contrast with the disputes on the territorial borderlands, the interior endured amongst legal and extralegal violence. The degree of bloodshed was much higher scale than has been previously acknowledged by scholars and students of Utah history. This is not to imply that Utah was rampant with lawlessness and mayhem, much to the contrary. The dual system of religious and civil law, while at times at odds with one another, did in fact provide a rigid moral code. Onetime visitor to the Utah Territory, William Chandless admired the rigorous code of conduct that directed everyday Mormons.

Not that Mormons ever pretend there are no bad men among them; nay, agreeably to their principles, they will tell you that a Mormon, if bad, will be worse than other men, because he sins against greater light and knowledge, and after receiving the Spirit of God. Confirmatory of this, I have met at Salt Lake with two or three very proper scoundrels; but, taking the people all around, I consider them as moral, industrious, fair-dealing, and hospitable a set, as one is apt to fall in with.<sup>82</sup>

In some respects the high standard set by the Church impelled members to see themselves as superior to others, yet, accusations of religious zealotry being the primary factor for vigilantism and violence in territorial Utah are too simplistic.

The institutional Church did not direct the proceedings of everyday Mormons' lives, nor were the dealings of the members an accurate reflection of the Mormon establishment. Religion

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<sup>82</sup> Chandless, *A Visit to Salt Lake City*, 196.

undergirded the movement of the Saints, but was far from the singular cause of action. They were complex humans. Whether engaged in farming, collecting taxes, or responding to an immediate threat, Mormons were capable of virtue and vulnerable to vice. As hard as they tried, members of the Mormon faith were still human and thus susceptible to the same temptations as their neighbors.

Religion was not the only motive for participants of extralegal violence in Utah. Many instances of extralegal violence in Utah's early days were rooted in the western ideal of rough justice, not solely religious fanaticism. Various shootings, murders, stabbings, and other aggressive encounters were a direct result of the western acceptance of extrajudicial justice. The internal dynamic of the Mormon people cannot be neglected when dealing with extralegal violence in Utah. While a set of differing motives may have driven some to act violently, the means for dealing harshly with others was a constant among western peoples. Mormons attempted to live their religion at all times, but were not exempt from visceral actions. Restricting their dealings by assuming they were driven only by religious purposes is too simplistic. As is the case with many religious groups, the Mormons require a more nuanced approach.

## Chapter 5

### Protecting the Boundaries: Danites and Mobile Tax Stations

*Murder after murder has been committed with impunity within the precincts of Great Salt Lake City, till such occurrences do not seemingly attract much attention particularly when the murdered have had the reputation of being thieves and murderers or of associating with such characters from day to day and whenever they had a chance.*

—Deseret News 23 May 1860

Holding the majority status for the first twenty-five years, the Mormons of Utah were ideally situated to manage the affairs of state. Those living under the shadow of the Church did not always agree with the official mandates and actions of Mormon administrators. Even when working within the state apparatus, outsiders did not trust that directives were entirely free of religious bias. This animosity fueled many rumors and myths surrounding certain policies and practices within Utah. Chief among the complaints by gentiles was the collection of taxes from migrants and others passing through or leaving the territory. Opponents claimed extortion and some tried to evade collection. As enmity between Mormons and outsiders began to rise, so too did accusations of Danite existence and misconduct.

In its first year the Utah territory boasted a nearly exclusive Mormon citizenship of 11,380, with converts overseas numbering three times as many. Utilizing the Perpetual Emigrating Fund (PEF) the Church was able to facilitate the migration of its members to the Territory. The system was extremely efficient. In 1855 the PEF brought in 21,911 migrants. The fund paid for the travel of the migrants to the U.S., including the trek to Utah, with the expectation that the monies would be reimbursed at a later date. Many of those who took advantage of church's system came from the lower classes, and it is not surprising that many

struggled to repay their debt. More than 100,000 emigrants took part in the program, being subsidized by charitable contributions and church tithing; to celebrate the jubilee in 1880 President Taylor cancelled half the remaining debt.<sup>1</sup>

The addition of large numbers of foreign converts, perceived to be under the sway of a leadership often openly hostile to the U.S. government and unaccustomed to American mores, ensured that Utah would continue to be at odds with the United States. Ensclosed in Utah, they remained largely isolated from the rest of American society, taking their cues and following the admonitions of their leaders. With the hierarchy's problematic relationship with the nation and the newcomers' unfamiliarity with American customs, critics accused the Mormon leaders of scouring Europe for ignorant followers to build their American empire.<sup>2</sup>

The constant flow of Mormon migrants was welcomed by the leadership, regardless of the logistical complications it created. Much to the chagrin of most citizens in Utah, however, the influx of migrants not of the faith had put the religious majority in direct contact with the world they had sought to escape. The Church leaders felt that outside influences were polluting their

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<sup>1</sup> Leonard J. Arrington and Davis Bitton, *The Mormon Experience: A History of the Latter-day Saints* (New York: Alfred A. Knopf, 1979), 37–38, 130–44; Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830–1900* (1958; repr., Lincoln: University of Nebraska Press, 1966), 96–108, 207; V. Ben Bloxham, James R. Moss, and Larry C. Porter, eds., *Truth Will Prevail: The Rise of The Church of Jesus Christ of Latter-day Saints in the British Isles, 1837–1987* (Great Britain: Cambridge University Press, 1987), 163–98; Gustive O. Larsen, “The Mormon Gathering,” in *Utah's History*, ed. Richard D. Poll (Logan: Utah State University Press, 1989), 175–89; Dean L. May, “A Demographic Portrait of the Mormons, 1830–1980,” in *The New Mormon History: Revisionist Essays on the Past*, ed. D. Michael Quinn (Salt Lake City: Signature Books, 1992), 121–35.

<sup>2</sup> Jacob H. Schiel, *Journey through the Rocky Mountains and the Humboldt Mountains to the Pacific Ocean*, trans. and ed. Thomas N. Bonner (Norman: University of Oklahoma Press, 1959), 78–79, 89; see also Hugh L. Briggs, *Lecture on the Moral, Social and Political Condition of Utah Territory* (n.p., 1857), 1–18; Benjamin G. Ferris, *Utah and the Mormons, the History, Government, Doctrines, and Customs, and Prospects of the Latter-day Saints, from Personal Observation During a Six Months' Residence at Great Salt Lake City* (New York: Harper and Brothers Publishers, 1856), 197–200; Jesse A. Gove, *The Utah Expedition, 1857–1858: Letters of Captain Jesse A. Gove, 10<sup>th</sup> Inf., U.S.A. ... To Mrs. Gove, and Special Correspondence of the New York Herald* (Concord: New Hampshire Historical Society, 1928), 368–69; William Jarman, *U.S.A.: Uncle Sam's Abscess, or Hell Upon Earth for U.S. Uncle Sam by W. Jarman, Esq., K.G.L., T.C.K., Knight of the Grand Legion of North America, who Suffered Twelve Years in the Mormon Hell on Earth, as one of the “Virgins without Guile,” and a Priest after the Order of Melchizedek: Where Polygamy, Incest, and Murder are Taught and Practiced as Religion Under the “All Seeing Eye,” and the Sign “Holiness Unto the Lord”* (Exeter: England, 1884), 168, 175–81.

society and they desired to root out the evil. In a speech at conference in 1855 President Young demanded that those passing through or living in the Utah Territory abide the laws, treat the citizens with respect, and not spread evil among the people. He had little mercy for those refusing to comply. In a speech he mandated that the disobedient change their ways, “or take your property and leave.” He promised that those who tested his resolve would find themselves on the wrong side of the law.<sup>3</sup>

Burdened by the reality that Gentiles had brought competition to Utah, leaders began to fear their people would suffer economically as well as spiritually. The advantage of the Saints was beginning to slip from their hands as the market’s competition pitted members against one another and impelled others to lower their standards and condescend to illegal and immoral trading practices.<sup>4</sup> The love of money was the root of all these new evils, according to church leaders. President Young made it clear that those dealing exclusively with Gentile merchants were bringing their business in an “unwise direction.”<sup>5</sup> Young wished for the members to do business only with their brothers and sisters, to “give their substance to men who pay their tithing.” The labor of the members should build up the Church, not the Gentiles.<sup>6</sup>

Accusations by migrants of maltreatment were a reoccurring theme in the early part of Utah’s history. Many expressed concern for their welfare among the ungovernable Saints. A startling fact for many observers was how well armed the Mormons actually were. This fact was

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<sup>3</sup> Brigham Young, 8 July 1855; as quoted in *Journal of Discourses, by Brigham Young, President of the Church of Jesus Christ of Latter-day Saints, His Two Counselors, the Twelve Apostles, and Others*, 26 vols. (Liverpool, England: Franklin D. Richards, 1855–86), 2:313 hereinafter abbreviated as JD.

<sup>4</sup> Brigham Young, 5 July 1857; as quoted in JD, 5:1–6.

<sup>5</sup> *Ibid.*, 5:3.

<sup>6</sup> *Deseret News*, 14 Aug 1867, 258–59.

one of great consternation for travelers who had been well versed in the folklore of the Utah Danites. Rather than recognize that the Mormons were a frontier community, many chose to believe the Saints were stockpiling weapons awaiting their prophet's orders to attack. One critic went so far as to claim that adherents were under obligation to know how to use weapons.

A person cannot be a mormon without having a gun, nor can he have religion without using it...a gun is a necessary appendage to a mormon. A man might own a gun without being a mormon, but he could not be a mormon without possessing a gun. A person could not embrace the mormon faith without it. It is an essential ingredient in the character of a mormon that he have a shooting instrument. Such a possession aids his faith amazingly. Moreover, he cannot have religion without knowing how to use a gun. The burning of powder in fire arms, and the propelling of such missiles as lead, &c., towards objects animate and inanimate, constitutes a part of the mormon religion.<sup>7</sup>

While there was a general consensus among migrants that the Mormons were extremely well armed, owning a gun was obviously never part of the Mormon creed.<sup>8</sup> Nevertheless, the pervasiveness of weapons reinforced rumors of Danites and vengeful Mormons. Of course, no traveler's tale was complete without recounting some act of the Avenging Angels, who, according to various reports, stood ready and willing to "steal all of their [victim's] stock and run it off into the mountains."<sup>9</sup> It was quite simple for tales to be spun about blood-thirsty men of God ready to murder, and yet, it is possible that leaders allowed such tales to circulate. "Brigham

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<sup>7</sup> Nathaniel Slater, *Fruits of Mormonism or A Fair and Candid Statement of Facts Illustrative of Mormon Principles, Mormon Policy, and Mormon Character* (Coloma, California: Harmon and Springer, 1851), 73–74.

<sup>8</sup> For accounts of the seemingly overabundance of weaponry owned by Utah residents, see Sir Richard F. Burton, *The City of the Saints, and Across the Rocky Mountains to California* (New York: Harper and Brothers Publishers, 1862), 152, 201, 226; William Chandless, *A Visit to Salt Lake; Being a Journey Across the Plains and a Residence in the Mormon Settlements at Utah* (London: Smith, Elder, and Co., 1857), 234; Gove, *Utah Expedition*, 246, 297.

<sup>9</sup> R. N. Baskin, *Personal Reminiscences of Early Utah* (Salt Lake City: Tribune-Reporter Print Co., 1914), 154.

would like nothing better than a general belief in his possessing vast secret agencies,” for the power of fear would be nearly as effective as controlling such a mercenary army.<sup>10</sup>

Brigham vehemently denied the existence of the Danites in Utah. Nonetheless, he did play on the fears of outsiders and chided them for believing the exaggerated accounts in the popular press.<sup>11</sup> Tales ran rampant of Danites “in every town and city throughout the United States,” and some claimed they were “all over the world.”<sup>12</sup> The conspiracy theorists viewed the secret society as responsible for crises far beyond the bounds of Utah.<sup>13</sup> In an address to the Saints, Brigham referenced the fabled band to warn dubious individuals to keep away, or they would find themselves gambling with their lives.

And I say to all such characters, if you come here and practice your iniquity, we will send you home quick, whenever we can catch and convict you. I wish such characters would let the boys have a chance to lay their hands on them. If men come here and do not behave themselves, they will not only find the Danites, whom they talk so much about, biting the horses' heels, but the scoundrels will find something biting *their* heels.<sup>14</sup>

Mormons were extremely wary of the migrants passing through the territory, especially during and directly following the Gold Rush. Alleged abuses were lodged by both parties. As hundreds and thousands of migrants moved through Utah, it was impossible to avoid conflicts entirely. With some seventeen thousand migrants passing through the “Mormon halfway house,” no wonder Mormons were cautious and suspicious of this tidal wave of migrants—some seeking gold and riches to the west, others content to extract their riches through robbery, plunder, and

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<sup>10</sup> Chandless, *A Visit to Salt Lake*, 240.

<sup>11</sup> Brigham Young, 26 July 1857; as quoted in JD, 5:78. See similar remarks by Heber C. Kimball, 7 June 1857, in JD, 4:340.

<sup>12</sup> Brigham Young, 7 June 1857; as quoted in JD, 4:354.

<sup>13</sup> Norman F. Furniss, *The Mormon Conflict, 1850–1858* (New Haven and London: Yale University Press, 1960), 88.

<sup>14</sup> Brigham Young, 5 July 1857; as quoted in JD, 5:6.

murder.<sup>15</sup> Aside from concerns about government spies, they were extremely suspicious of Gentiles' "unscrupulous and freebooting spirit."<sup>16</sup> When strangers entered the country, noted one visitor, the first questions were, "When did you come to the valley, and in whose train?" If not readily ascertained from the first two inquires one last one would determine the questioner's perception: "Are you in the Church?"<sup>17</sup> This was especially true of immigrants of the early 1850s. Typically these were individuals or groups who opted to live among the Mormons for a short time in order to avert disaster while traveling during the brutal winter months. It was known that some migrants would profess faith and become members simply to take advantage of the Mormon hospitalities and benefits. Bishop Albert Thurber King lamented that in 1850 numerous emigrants joined for selfish reasons, that they were "nothing but a damned winter Mormon."<sup>18</sup> This practice so enraged the Church leadership that they went as far as sending spies into the camps of the emigrants.<sup>19</sup>

Utah winters were harsh. The extreme weather caught many travelers by surprise, forcing large numbers to make temporary residence among the Mormons.<sup>20</sup> Some emigrants claimed "that in general they were well treated by the Mormons, until cold weather set in." Once the winter trapped them in the valley, one observer noted "conduct towards the Gentiles was totally

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<sup>15</sup> David L. Bigler, ed., *A Winter with the Mormons: The 1852 Letters of Jotham Goodell* (Salt Lake City: University of Utah Tanner Trust Fund, 2001), 10–11.

<sup>16</sup> Chandless, *A Visit to Salt Lake*, 235–36. For an example of the threat of spies, see the McNeil case in Hosea Stout, *On The Mormon Frontier: The Diary of Hosea Stout, 1844–1861*, 2 vols. ed. Juanita Brooks (1964; repr., Salt Lake City: University of Utah Press and Utah State Historical Society, 1964), 2:665.

<sup>17</sup> Chandless, *A Visit to Salt Lake*, 229.

<sup>18</sup> Albert Thurber King Journal, 1826–1888, Bancroft Library, University of California Berkeley, 48–49; hereinafter abbreviated as UCB. See similar references to this practice in Slater, *Fruits of Mormonism*, 10–11; Chandless, *A Visit to Salt Lake*, 235–36.

<sup>19</sup> Bigler, *A Winter with the Mormons*, 104–07.

<sup>20</sup> Schiel, *Journey through the Rocky Mountains*, 74–77.



reversed, and they afterwards found no sympathy, friendship, or justice in the proceedings of the ‘Saints.’”<sup>21</sup> The primary complaint during the winter was the significant price increase for essential goods and housing. Emigrants felt they were being exploited unnecessarily.<sup>22</sup> One resident recalled that the cost of one ton of hay rose fifty percent during harsh winter conditions.<sup>23</sup> Leaders imposed sanctions with an understanding that violation could result in steep, if not deadly punishment.<sup>24</sup> Edicts became strict and unflinchingly direct. Not only were members admonished to seek guidance on trade practices, they were advised to seek out the brethren if they were planning on leaving the territory.<sup>25</sup> Behind the scenes the hierarchy was struggling to solve the financial dilemma caused by the large migration to Utah through the PEF. Mormons were not peculiar in their trade practices. It was common for settlements to charge exorbitant prices to those passing through their community.<sup>26</sup> Migrants loathed the higher prices and accused the Utah residents of predation.<sup>27</sup>

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<sup>21</sup> Franklin Langworthy, *Scenery of the Plains, Mountains and Mines: or, A Diary Kept Upon the Overland Route to California by Way of the Great Salt Lake: Travels in the Cities, Mines, and Agricultural Districts—Embracing the Return by the Pacific Ocean and Central American in the Years 1850, '51, '52 and '53* (Ogdensburgh: Hitchcock & Tillotson, 1855), 112. See similar remarks by Jotham Goodell in *A Winter with the Mormons*, 37–38.

<sup>22</sup> Nels Anderson, *Desert Saints: The Mormon Frontier in Utah* (Chicago: University of Chicago Press, 1966), 96–97, 251–78.

<sup>23</sup> Thomas Knott Personal Reminiscences, UCB.

<sup>24</sup> Baskin, *Reminiscences of Early Utah*, 164–72; Chandless, *A Visit to Salt Lake*, 195–96; Gove, *Utah Expedition*, 285–88; John D. Lee, *A Mormon Chronicle: The Diaries of John D. Lee, 1848–1876*, 2 vols., ed. Robert Glass Cleland and Juanita Brooks (San Marino: Huntington Library Press, 2003), 2:265–68.

<sup>25</sup> Stout, *On The Mormon Frontier*, 2:625.

<sup>26</sup> David John Unruh, *The Plains Across: The Overland Emigrants and the Trans-Mississippi West, 1840–1860* (Urbana: University of Illinois Press, 1979), 28–89.

<sup>27</sup> Brigham D. Madsen, *Gold Rush Sojourners in Great Salt Lake City, 1849 and 1850* (Salt Lake City: University of Utah Press, 1983), 68–75.

Governing a town that Young felt was devoid of crime, he grew nervous that the forced contact with Gentiles would turn his sanctuary into chaos.<sup>28</sup> The emigrants elicited a number of concerns for Governor Young and his counselors. Young struggled with his position towards outsiders. He wanted nothing to do with the outside world and he harbored resentment for the Gentiles, blaming them for the Mormons' past persecutions. His most obvious misgiving towards the Gentiles was rooted in what he considered to be their vain and misguided obsession: the quest for riches. In a speech given in Salt Lake City, Young referred to travelers in search of gold and pleasure in the West as "ignorant jackasses" who worshipped at the altar of the world.<sup>29</sup> Young was extremely wary of the temptations afforded the Saints as they mingled with the outside world. The lure of the Gold Rush also troubled him, as he understood how quickly members could be distracted from building up their newly established communities distracted from heavenly goals to more immediate rewards. Plagued by persecution, Young stood vigilant over his flock. His experience had taught him to be cautious of Americans in general.<sup>30</sup> Young was well aware of the fact that outsiders had committed numerous depredations and then blamed the crimes on him and the Church. Due to the misinformation of the religion, the Mormons were an easy target.<sup>31</sup>

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<sup>28</sup> *Deseret News*, 19 October 1850, 140. According to this newspaper account, by the end of 1850 there was "not one robber, thief, burgler [*sic*], murderer; not one man in chains could be found; not one culprit of any description; not one trial could be had."

<sup>29</sup> Brigham Young, 5 July 1857; as quoted in JD, 5:5. For the outright distrust and separation between Mormon and Gentile, see comments in Henry A. Boller, *Among the Indians: Eight Years in the Far West, 1858–1886. Embracing Sketches of Montana and Salt Lake* (Philadelphia: T. Ellwood Zell, 1868), 401.

<sup>30</sup> Anderson, *Desert Saints*, 94–101; *Deseret News*, 14 December 1850, 172.

<sup>31</sup> Michael W. Homer, ed., *On the Way to Somewhere Else: European Sojourners in the Mormon West, 1834–1930* (Spokane: Arthur H. Clarke Co., 2006), 73–74.

Disorder would soon visit the Mormons' haven as rumors began to spread that the Church condoned violence against outsiders. Quarrels with federal appointees and an imaginative press spread disfavor of the Mormons throughout the world. One disaffected Mormon thought the Church guilty of oppression against outsiders and that the continued claims of persecution were outdated and unfounded. According to T.B.H. Stenhouse, "When a man moves seven times and quarrels with the neighbors every time, he takes the worst neighbor with him every move."<sup>32</sup> After twenty three years of membership in the Church, Stenhouse rebelled, became a formidable opponent of the hierarchy, and helped in shaping the negative perception of Mormons in the nineteenth century.<sup>33</sup> Prior to his departure from the faith, Stenhouse had played a crucial role in the building of the Mormon Church. He had served as President of LDS mission activities in Great Britain, was the most prolific and respected journalist in the Utah, and was a special emissary for high profile visitors to the territory. Complications relating to polygamy and connections to a schismatic offshoot of the faith led to his removal from the faith and his devotion its opposition.<sup>34</sup>

Stenhouse had proven to be a force to be reckoned with within Mormondom, and proved to be just as fearsome an opponent. In his opinion, non-Mormons in Utah were victims of "Mormon jesuitism." The only crime unbelievers committed was descending "to the same low level" as their religious counterparts, for if they did not stoop to fighting "with the same

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<sup>32</sup> J. H. Beadle, "The Mormon Theocracy," *Scribner's Monthly* 14 no.3 (July 1877): 393.

<sup>33</sup> Ronald W. Walker, "The Stenhouses and the Making of the Mormon Image," in *Mormon Mavericks: Essays on Dissenters*, ed. John Sillitoe and Susan Staker (Salt lake City: Signature Books, 2002), 101.

<sup>34</sup> *Ibid.*, 101–29.

weapons” they would be at a deadly disadvantage.”<sup>35</sup> Such a myopic perspective would only be possible if one viewed the problems in the Utah Territory through a very narrow lens—as Stenhouse assuredly did. Himself a victim of rough justice in Utah, Stenhouse was well-known throughout the territory as having reneged on his religious commitments and became a target for many disgruntled Mormons. After writing an editorial that condemned the actions of Judge Elias Smith, the son of the magistrate accosted Stenhouse, leaving him bruised, battered, and nursing a broken collar bone. According to Stenhouse the perpetrator was arrested and fined a measly five dollars for his hostile actions.<sup>36</sup>

In reality, the grievances between the various groups were much more complex. There were a variety of issues that compelled the leadership to act the way they did towards the Gentile population. One of the primary conflicts and most misunderstood, were the early grievances concerning taxes on migrants. One visitor noted that the Mormons had every right to impose taxes, especially being situated along the highway to California. It was no crime to benefit from the “gold fever” by catering to overland travelers while the excitement for riches pushed migrants westward. Aside from business with migrants, the only real income for residents were funds brought by converts to Zion and federal government salaries—neither being very profitable. William Chandless goes on to show that the monetary situation necessitated the use of drastic measures by the local government in order to protect the interests of the people of Utah. The absence of “copper currency” and the decrease in migrants created scarcity in both resources

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<sup>35</sup> T. B. H. Stenhouse, *Undeveloped West: or, Five Years in the Territories: Being a complete history of that vast region between the Mississippi and the Pacific, its resources, climate, inhabitants, natural curiosities, etc., etc. Life and adventure on prairies, mountains, and the Pacific Coast* (Philadelphia, Chicago, Cincinnati: National Publishing, Co., 1873), 194–95.

<sup>36</sup> *Ibid.*, 184–86.

and money. Prices rose, taking more commodities out of the reach of the Saints. It appeared that “whichever side one was on seemed to be the losing side.”<sup>37</sup> Engulfed by outsiders and suffering economically, Governor Young sought a common solution to the twin plagues of his territory and decided be more active in the collection of taxes.<sup>38</sup>

The Provisional Government of the State of Deseret passed several ordinances that provided for the collection of taxes from migrants and merchants residing or passing through the Mormon Kingdom. The authority to assess the taxes resided with the various City Councils.<sup>39</sup> By 1853 the territorial laws empowered individuals and counties to construct toll bridges over many of the major rivers surrounding the major municipalities. Under the auspices of these acts, Abiah Wadsworth, Ira N. Spaulding, and Willard G. McMullen constructed a bridge over the Weber River and were authorized to charge the following fares to migrants:

For every vehicle drawn by two animals	\$2.00
For every two additional animals to said vehicle	.50
For every man and horse	.50
For every loose horse, mule, jack, ox, cow or bull	.20
For every sheep, hog, calf, colt or goat	.05
For every footman	.10

Although not exempt from the tax, residents who paid annually were only charged “one-half of the above mentioned rates.”<sup>40</sup> Aside from the tolls, there were two taxes that could be levied on residents and migrants alike, namely, the Territorial tax of one half percent and the county tax

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<sup>37</sup> Chandless, *A Visit to Salt Lake*, 214–23.

<sup>38</sup> Thomas G. Alexander and James B. Allen, *Mormons and Gentiles: A History of Salt Lake City* (Boulder: Pruett Publishing Co., 1984), 51–52.

<sup>39</sup> *Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah. To Which is Prefixed...The Constitution of the Provisional State of Deseret, the Deseret Laws, and the Organic Act of Utah* (Salt Lake City: Joseph Cain, Public Printer, 1855), 67–68, 69, 76–78, 85–86.

<sup>40</sup> *Ibid.*, 251–52. Prior to constructing the viaduct, Wadsworth, Spaulding, and McMullen were authorized to “establish and use a ferry” and to “charge and collect a toll for the use thereof, at the foregoing named rates.” The operators were given five years until they were required to turn over the bridge to the Territory.

“not to exceed one half percent.” In total, they were authorized to collect one percent of all taxable goods coming in and out of the Territory, additional charges were imposed on goods for sale.<sup>41</sup> Tax-gatherers could track down individuals who were planning on leaving the Territory with delinquent debt, and failure to pay could result in hefty penalties.<sup>42</sup> For those refusing to pay, the tax-assessor was “empowered to take and sell” enough taxable property to pay the due tax, plus the “costs of collection.”<sup>43</sup>

Collecting unpaid dues promised to be a lucrative source of revenue for the cash-strapped territory. Mobile and fixed tax stations were erected throughout the territory. It appears that some were mobile, covert, makeshift operations that were constantly moving in order to surprise would-be tax dodgers. Secrecy was essential to the plan, otherwise evaders might easily slip out of the Territory undetected. While the ordinance states a maximum of one percent, contemporary witnesses claimed the collectors doubled the tax for those who desired to remain in Utah “through the winter.” As noted above, the use of specific roads and land required service fees, thus adding to the financial burden of wintering emigrants. Emigrants complained that they were not informed of any such tax until they were on their way out of the land.<sup>44</sup> This is probable, considering that residents and migrants would “lie from morning until night to escape paying them.”<sup>45</sup> On the other hand, Mormon officials claimed that many outsiders refused to settle their debts before leaving the territory. According to Milton Musser, “It is a notorious fact that many

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<sup>41</sup> *Acts, Resolutions and Memorials, Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah*, 253.

<sup>42</sup> *Ibid.*, 257.

<sup>43</sup> *Ibid.*, 256.

<sup>44</sup> Slater, *Fruits of Mormonism*, 7, 9–10, 81; and Gove, *Utah Expedition*, 292. According to Richard Burton the tax was 1.5 percent; see Burton, *City of the Saints*, 315–16.

<sup>45</sup> Brigham Young, 20 January 1861; as quoted in JD, 8:345.

of the blatant *anti*-‘Mormons’ pay no taxes, and openly counsel others to disregard local enactments.’<sup>46</sup>

Scores of slanderous tales began to disseminate among migrants and gentiles that the territory was exploiting visitors and travelers alike. Victims conjured up conspiracy theories to make sense of a complicated situation. Brigham Young was anything but apologetic to these complaints of taxation. The sheer number of visitors and newcomers necessitated such payment, which, according to Young, “was very light.”<sup>47</sup> Besides, according to Young, Utah’s taxes were light when compared to neighboring Territories and eastern States. He challenged naysayers to visit Nebraska, Washington, or New Mexico, each of whom he believed imposed more burdensome tax on residents and migrants.<sup>48</sup>

Delegate to several Constitutional Conventions and Utah Legislator, Apostle Orson Pratt praised the tax assessors of the Utah Territory as “men of righteousness.”<sup>49</sup> Commissioned to search out emigrant trains encamped far outside the city limits, collectors routinely tracked down groups preparing to leave Utah. Residing twenty miles from the farthest territorial settlement, Jotham Goodell found the roving tax-gatherers particularly onerous. Feeling that the \$18.80 tax was not only “unjust but *cruel* to the last extreme,” he acquiesced, in part because the head of the patrol was intimidating. With his “huge knife stuck in his leggings, and his pistols by his side,”

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<sup>46</sup> Elder A. Milton Musser, *The Fruits of “Mormonism,” by Non-“Mormon” Witnesses. Being for the Most Part Brief Extracts from Letters, Addresses, Lectures, etc., by Statesmen, Senators, Governors, Judges, Tourists, Editors, Generals, Ladies, Clergymen, Railroad Magnates, Professors, Doctors, and Miscellaneous Correspondents —All Non-“Mormons” — About Utah and the “Mormons”* (Salt Lake City: Deseret News Steam Printing, 1878), 26.

<sup>47</sup> Brigham Young, 20 January 1861; as quoted in JD, 8:343.

<sup>48</sup> *Ibid.*, 8:344–45.

<sup>49</sup> Brigham Young, 20 May 1855; as quoted in JD, 3:17.

the Mormon leader commanded respect; Goodell thought it was one of the Twelve Apostles.<sup>50</sup> While unpopular amongst migrants, the local government was operating within its legal bounds. Moreover, the stations were usually near bridges that had been constructed by Mormons, who much like those who ran ferries across rivers, believed they were entitled to compensation.<sup>51</sup> One migrant mentioned that, “In many places there are wood bridges, one of which pays toll, at the end of the season they become not a little rickety.”<sup>52</sup> They collected taxes even on hastily or poorly constructed bridges, presumably pocketing the money rather than using it for the upkeep of the infrastructure. They exercised their tax collecting prerogatives, even if it meant using extrajudicial methods to obtain the funds.

It is not shocking that outsiders began to relate alarming accounts about the secret posts all around the territory and “on all the thoroughfares leading from the city.” Many believed these mobile outposts to be Danite checkpoints that enabled the elimination of fleeing apostates and other undesirables.<sup>53</sup> A former Chief Justice claimed to have firsthand knowledge of “eight or nine murders that were committed by the Danites” at these stations, with some of the victims “having their throats cut.”<sup>54</sup> Some locations were so secretive that, according to contemporary accounts, they were not even generally known among the Saints. This only added to the mystery and intrigue.

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<sup>50</sup> Bigler, *A Winter with the Mormons*, 107–10.

<sup>51</sup> On his departure from Salt Lake City, Sir Richard F. Burton mentioned a handful of viaducts that required service fees. Burton, *City of the Saints*, 417, 447.

<sup>52</sup> Burton, *City of the Saints*, 347.

<sup>53</sup> Slater, *Fruits of Mormonism*, 76–80.

<sup>54</sup> Baskin, *Reminiscences of Early Utah*, 154.



While countless rumors circulated, it is entirely possible that incidents of summary justice occurred at these locales. At the Jordan River post one emigrant claimed to hear a Mormon sentry brag that if an emigrant responded to the call of, “who comes there?” in a “saucy” manner he “would have blown him through.”<sup>55</sup> Another account at the same outpost claimed that a California emigrant had a rope fastened around his neck that was attached to a horse. Once secured, a Danite dragged the man around on his galloping horse until the victim was dead.<sup>56</sup>

Although these stories cannot be corroborated, there was a shooting that did take place at the Jordan River outpost that demonstrates the willingness of guards at the stations to use violence against trespassers. A businessman had run into problems with the Mormon hierarchy and was intent on fleeing Mormon country. Following protocol, the collection posts were put on alert and officers admonished to keep their eyes peeled for the renegade.<sup>57</sup> Unaware of the guards on the edge of the river, Lorenzo Dow Young, the brother of Governor Brigham Young, was startled to hear an order barked out in the night, “Who goes there!” Before Lorenzo could respond two shots erupted from the concealed station, the first just missing his head and the second finding its target. The impact of the sniper’s buckshot pierced Lorenzo in the upper left arm with such force that it knocked him off his horse and “the brother of the Prophet was rolling in the mud!”<sup>58</sup> Once the guards recognized their victim, they hastily attended to him medically

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<sup>55</sup> Slater, *Fruits of Mormonism*, 74.

<sup>56</sup> *Ibid.*, 78.

<sup>57</sup> *Sacramento Daily Union*, “The Mormon Stronghold,” 28 June 1851; as reprinted in Bigler, *A Winter with the Mormons*, Appendix C, 213–18.

<sup>58</sup> Bigler, *A Winter with the Mormons*, 93; Stout, *On the Mormon Frontier*, 2:395.

and pronounced a healing blessing upon him. Lorenzo recovered and the participants felt remorse for the near fatal disaster.<sup>59</sup>

Many have assumed that the outposts that surrounded the city were evidence of Danite gathering places that handled hierarchal directives against apostates and outsiders who had incurred the wrath of Brigham Young.<sup>60</sup> The reality is much less dramatic. As evidenced above, the territory suffered from a lack of funds and gave attention to tax collection in order to alleviate the crisis. Many attempted to avert payment by absconding under cover of darkness. Hosea Stout commented that “Numbers of emigrants [*sic*] are endeavoring to run aw[a]y in debt while others are stealing their fit out for the mines.” Scouts and assessors were sent out to collect the tax and arrest others to be “brought back for trial.” Such was the case of Mr. Turner, Jack Freeman, and five accomplices who were accused of attempting to steal an outfit of horses on their way out of Utah. Freeman was arrested but later escaped and Porter Rockwell found and arrested him.<sup>61</sup> Due to his skill as a tracker, Old Port had been hired and tasked with hunting down some of the more difficult emigrant debtors. According to pay records, this was not a lucrative job.<sup>62</sup>

It was common for outsiders to believe that the Mormons had roving bands of murderers anxious to dispatch emigrants as leading men in the Church were implicated in a number of suspicious deaths. The death of Lorenzo Custer in April 1851 near Tooele raised questions about

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<sup>59</sup> James Amasa Little, “Biography of Lorenzo Dow Young,” *Utah Historical Quarterly* 14 no.4 (1946): 120–23. Young’s biographer asserts the concealed station was built as an attempt to catch some local “desperados” who had been disrupting cattle in Salt Lake City.

<sup>60</sup> Baskin, *Utah Reminiscences*, 154; Gove, *Utah Expedition*, 292.

<sup>61</sup> Stout, *On the Mormon Frontier*, 2:393–95. For emigrant reactions to treatment by tax assessors, see Slater, *Fruits of Mormonism*, 27–37, 74–81.

<sup>62</sup> Harold Schindler, *Orrin Porter Rockwell: Man of God, Son of Thunder*, 2<sup>nd</sup> ed. (Salt Lake City: University of Utah Press, 1983), 193. According to payroll records Rockwell engaged in this activity for only a few weeks, 19–27 February 1851. However, according to Hosea Stout’s account, Rockwell was still working in this capacity during March 1851; see Stout, *On the Mormon Frontier*, 2:395.

Mormon complicity in the murder of emigrants. After a negative business venture with Apostle Ezra T. Benson, Custer decided to head to California. Prior to his leaving, a skirmish with the Native Americans occurred and in the ensuing melee Custer lost his life.<sup>63</sup> Conflicting stories about the murder combined with the unfavorable opinion among emigrants regarding Apostle Benson, promoted suspicion of the motives for Custer's death.<sup>64</sup> Porter Rockwell was leading the band of settlers when Custer was shot by a fleeing Indian. Reports that Rockwell had allowed the braves to remain armed as they were being escorted back to camp, led to rumors that it was part of the strategy to kill an unwanted gentile without causing a stir.<sup>65</sup> Five of the Indians taken during the raid were later executed by officials in Tooele.<sup>66</sup> Apostle Benson had been implicated in cruelty towards emigrants before, in fact, he was later accused of being a road agent out "to rob, plunder, & kill certain emigrants."<sup>67</sup> Not directly accused of killing Custer, Benson's position of power stoked outsiders' perceptions and made them wary.

Other deaths in the region imbued many with suspicion. The murders of disaffected Mormon and Secretary and Treasurer to the Utah Territory Almon W. Babbitt, Thomas and John Aiken along with their four friends, Captain John W. Gunnison and his seven companions, implicated others. All of them were initially blamed on Native Americans, whites disguised as

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<sup>63</sup> Schindler, *Orrin Porter Rockwell*, 194–96; Stout, *On the Mormon Frontier*, 397–98.

<sup>64</sup> For negative opinions of Apostle Benson by emigrants, see Slater, *Fruits of Mormonism*, 30–37.

<sup>65</sup> Schindler, *Orrin Porter Rockwell*, 193–96.

<sup>66</sup> Stout, *On the Mormon Frontier*, 2:398.

<sup>67</sup> *Ibid.*, 2:525.

Indians, or the Mormons.<sup>68</sup> Groups of White Indians were known to roam the highways of the Utah Territory. Upon his departure from American Fork to the States, the “*crème de la crème* of Utah County” warned Richard Burton to be wary of the prowling “White Indians” and to avoid them by shunning the direct route, which he represented to be about “as fit for traveling as is h—ll for a powder magazine.” He further admonished Burton to “carry a double-barreled gun loaded with buck-shot” and to keep his “eyes skinned” for the disguised bandits.<sup>69</sup>

Returning to the collection of taxes, many had no qualms with the taxation, as was evidenced by Burton who recorded in several places where he was required to pay certain fees. Others cleared their debt with reservation and contempt.<sup>70</sup> As evidenced by Goodell’s account, the collectors appeared ready and willing to use extreme tactics, including espionage and intimidation if they suspected evasion. In one instance, an entire company of emigrants camped outside the city claimed that territorial officials tried to entrap them by sending a Danite spy

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<sup>68</sup> Heber C. Kimball, 7 June 1847; as quoted in JD, 4:340; Brigham Young, 26 July 1857; as quoted in JD 5:78; Jules Remy, *A Journey to Great-Salt-Lake City, by Jules Remy, and Julius Brenchley, M.A.; with a Sketch of the History, Religion, and Customs of the Mormons, and an Introduction on the Religious Movement in the United States*, 2 vols. (London: W. Jeffs, 15, Burlington Arcade, 1861), 1:471–72; LeRoy R. Hafen and Ann W. Hafen, eds., *The Utah Expedition, 1857–1858: A Documentary Account of the United States Military Movement under Colonel Albert Sidney Johnston and The Resistance by Brigham Young and the Mormon Nauvoo Legion* (Glendale: Arthur H. Clark Company, 1958), 363–66; David L. Bigler, “The Aiken Party Executions and the Utah War, 1857–1858,” *Western Historical Quarterly* 38 no.4 (Winter 2007): 457–76; Robert Kent Fielding, *The Unsolicited Chronicler: An Account of the Gunnison Massacre, Its Causes and Consequences, 1847–1859* (Brookline, Massachusetts: Paradigm Publications, 1993); Furniss, *The Mormon Conflict*, 41, 53; Rev. C. P. Lyford, *The Mormon Problem: An Appeal to the American People. With an Appendix, Containing Four Original Stories of Mormon Life, Founded Upon Fact, and a Graphic and Thrilling Account of the Mountain Meadows Massacre* (New York: Phillips and Hunt, 1886), 110–11, 212–31; Schindler, *Orrin Porter Rockwell*, 268–81.

<sup>69</sup> Burton, *City of the Saints*, 449–50. An article in a California newspaper alludes to the fact that people associated with Mormonism were skilled highwaymen. Perhaps nothing more than a cheap jab at the Mormons, the fact that outsiders associated Mormonism with banditry is interesting. See *Esmeralda Union*, 29 July 1864, as quoted in Roger D. McGrath, *Gunfighters, Highwaymen, and Vigilantes: Violence on the Frontier* (Berkeley: University of California Press, 1984), 72.

<sup>70</sup> Burton, *City of the Saints*, 311, 315–16, 347, 417, 425, 427, 447. Upon passing through the Jordan River tax post, Burton mentioned that the cost was higher because he was not a resident of Utah; “it being Mormon property, we paid 50 cents; had we been Saints the expense would have been one half.” *Ibid.*, 417.

amongst them.<sup>71</sup> This was not an aberration, the collectors were known to detain entire emigrant groups in order to reclaim due balance on outstanding debt.<sup>72</sup> Many have used the existence of the tax stations to prove their legendary tales of Mormon rapine and murder. As the evidence suggests, customs collection points existed primarily for the purpose of recovering delinquent debt.<sup>73</sup>

Originally intended for the purpose of taxation, the posts might have served a dual use as the eyes and ears of the hierarchy to spy out the intentions of outsiders—perhaps, during times of duress, they acted as the extralegal arm of the Church. Although the latter assumption cannot be fully confirmed, evidence suggests that their tendency to react with violence, as when Lorenzo Dow Young surprised them, suggests that the assessors at the posts may have been something more than simple customs agents. At the very least, tax-gatherers were in a position to extort additional funds from the emigrants, which they appear to have done so on occasion.

The reigns of political authority remained securely in the hands of the Mormons for over twenty years, but were ripped from them by the mid-1870s as the influx of gentile residents increased dramatically. Commentators noted that the unique governments that controlled Utah—that of Deseret, the Territorial government, and the government of the Church—should be circumscribed by federal authorities to ensure allegiance to the United States.<sup>74</sup> The federal government decided to take advantage of the incursion of non-Mormons into the region and end

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<sup>71</sup> Bigler, *A Winter with the Mormons*, 103–11.

<sup>72</sup> Slater, *Fruits of Mormonism*, 34–35.

<sup>73</sup> Burton, *The City of the Saints*, 447; Bigler, *A Winter with the Mormons*, 35–38, 92–95; 103–11, 213–18; Slater, *Fruits of Mormonism*, 7–10, 74–81; Unruh, *The Plains Across*, 324–30. Nearly all the incidents discussed or cited above took place at the Jordan River station. See also, Little, “Biography of Lorenzo Dow Young,” 120–23; Baskin, *Utah Reminiscences*, 154; Gove, *Utah Expedition*, 292.

<sup>74</sup> *New York Times*, 27 November 1865.

the Church's political dominance. A series of legislative acts in the mid-1860s sought to dismantle Mormon power in the political arena, paving the way for a number of backdoor dealings between the Republican Party in Washington and the Utah Mormons.<sup>75</sup>

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<sup>75</sup> Jonathan Moyer, "Dancing with the Devil: The Making of the Mormon-Republican Pact" (Ph.D diss., University of Utah, 2009).

## Chapter 6

### Drawing the Line: Blood Atonement and Vigilante Violence in Territorial Utah

*I have known a great many men who have left this Church for whom there is no chance whatever for exaltation, but if their blood had been spilled, it would have been better for them. The wickedness and ignorance of the nations forbid this principle's being in full force, but the time will come when the law of God will be in full force.*

—Brigham Young, 8 February 1857<sup>1</sup>

The first twenty-five years in Utah witnessed many incidents of extralegal violence. By the 1870s vigilante justice began to decline greatly.<sup>2</sup> Rather than focusing on the decrease in violence, opponents continued to accuse the church's hierarchy of conspiring to commit murder. The basis for such claims lay in the ordinances performed in the Mormons' holy temples. Claims by disaffected Mormons inclined federal authorities to investigate the rituals that took place within the sacred edifices. As one historian has noted, "Rather than seeing the rituals as divinely inspired theater, as did the Mormons," critics viewed the temple rites as evidence of the treasonous and murderous intent of the Mormon leaders.<sup>3</sup> The voice of opposition prevailed and by 1889 the Church was put on trial under the pretext of naturalization hearings. At the root of the hearings was the doctrine of blood atonement—a theological tenet that would soon be officially rescinded in an proclamation from the Church's hierarchy.

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<sup>1</sup> Brigham Young, 8 February 1857; as quoted in *Journal of Discourses, by Brigham Young, President of the Church of Jesus Christ of Latter-day Saints, His Two Counselors, the Twelve Apostles, and Others*, 26 vols. (Liverpool, England: Franklin D. Richards, 1855–86), 4:220; hereinafter abbreviated as JD.

<sup>2</sup> D. Michael Quinn, *Mormon Hierarchy: Extensions of Power* (Salt Lake City: Signature Books in association with Smith Research Associates, 1997), 259–61.

<sup>3</sup> Jonathan Moyer, "Dancing with the Devil: The Making of the Mormon-Republican Pact" (Ph.D. diss., University of Utah, 2009), 88.

Early residents of Utah were constantly accused of killing dissenters, gentiles, and other undesirables because of the doctrine of blood atonement. Discussions and studies dealing with violence and Utah have always had to confront this difficult teaching which has tainted Utah's history and skewed understanding of the Mormon past. As for the existence of blood atonement as a theological tenet of early Mormonism, there is no debate; Brigham Young's early speeches outlined it in detail and other prominent leaders spoke on it frequently.<sup>4</sup> The degree to which it actually impacted the Saints is debatable, especially since many of the accusations for blood atonement were untraceable. Ambiguity seemed to constantly surround the actual names, places, and individuals involved, but the actions were damningly clear—cut throats, beheadings, and mutilations.<sup>5</sup>

During the naturalization trial of 1889, prosecuting attorneys grilled witnesses on the facts surrounding religious killings. Many spoke in generalities, as was the case with former Mormon Bishop Andrew Cahoon. Church attorney Le Grand Young cross-examined Cahoon—who had left the Mormon faith nearly twenty years earlier—about his accusations concerning blood atonement. When asked if he “ever knew of any man being put out of the way” as a consequence of the doctrine, he responded that he knew of “lots of them,” but failed to provide much corroborating evidence.

Q. Well, tell who they were, tell some one man who was put out of the way—you can name somebody?

A. Well, I will tell one, that is Almon Babbitt for one,—Secretary of State.

Q. Where was he put out of the way?

A. Out on the road east.

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<sup>4</sup> See for example Jedediah M. Grant and Brigham Young, 21 September 1856; as quoted in JD, 4:49–57; Brigham Young, 8 February 1857, 4:215–21; Heber C. Kimball, 16 July 1854; as quoted in JD, 7:16–21.

<sup>5</sup> Joseph West, “Mormon Blood-Atonement,” *North American Review* 143 no.361 (December 1886), 643–47, esp. 646.



- Q. Well who did it?
- A. Why, I don't know, I am [not] sure, I wasn't there.
- Q. Do you know who ordered it done?
- A. Such things as that are kept very secret and private. It was reported that he was killed by the Indians.
- Q. Do you know who killed him?
- A. I can't say whether there was a white man by the name of Bill Hickman there?
- Q. Do you know he was?
- A. I say he might have been there and done that job, he might have had some Indians help him. I can't say.<sup>6</sup>

Typical of the proceedings, shocking accusations trumped evidence and accuracy. The claim that Almon W. Babbitt was a victim of religious vengeance was a well-reported rumor, one that even Brigham Young could not ignore.<sup>7</sup> One historian pointed out that while there “was no basis in fact for the charge,” it was common to link such deaths with the “atonement mania.”<sup>8</sup> The practice of blaming Indians for atrocities committed by whites was well-documented.<sup>9</sup> However, numerous investigations by the U.S. Army, the Mormons, and family members of the slain victims concluded that Cheyenne raiders had murdered the Utah delegate and his party.<sup>10</sup>

Testimony from disaffected Mormons divulged much of the temple rituals and prosecutors hoped to extract similar depositions from Mormon leaders. When called to answer

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<sup>6</sup> Henry G. McMillan, *The Inside of Mormonism: A Judicial Examination of the Endowment Oaths Administered in all the Mormon Temples, by the United States District Court for the Third Judicial District of Utah, to Determine Whether Membership in the Mormon Church is Consistent with Citizenship in the United States* (Salt Lake City: Utah Americans, 1903), 19–20.

<sup>7</sup> Brigham Young, 26 July 1857; as quoted in JD 5:78.

<sup>8</sup> Nels Anderson, *Desert Saints: The Mormon Frontier in Utah* (Chicago: University of Chicago Press, 1966), 153. The lack of evidence did not stop federal officials from citing the death as an example of Blood Atonement; see Anderson, 161; Norman F. Furniss, *The Mormon Conflict, 1850–1859* (New Haven: Yale University Press, 1960), 53–58, 200–01.

<sup>9</sup> U.S. House of Representatives, *Executive Document*, no.78 (36<sup>th</sup> cong., 1<sup>st</sup> sess., 1860), 35–38.

<sup>10</sup> Hosea Stout, *On The Mormon Frontier: The Diary of Hosea Stout, 1844–1861*, 2 vols., ed. Juanita Brooks (1964; repr., Salt Lake City: University of Utah Press and Utah State Historical Society, 1982), 2:601, 601n75, 604n77; Ronald W. Walker, Richard E. Turley, and Glen M. Leonard, *Massacre at Mountain Meadows* (New York: Oxford University Press, 2008), 293n52.

inquiries regarding the vengeance oaths, many either declined to answer or claimed they could not remember.<sup>11</sup> This model of forgetting was not uncommon among Mormon leaders during court proceedings; in fact, it “would later become a familiar pattern” in the controversies of the early twentieth century.<sup>12</sup>

During the trial Church leaders met in private to discuss how to handle the proceedings. They decided to focus on the Book of Revelations 6:9–10 to “refute the testimony” concerning vengeance oaths.<sup>13</sup> President Lorenzo Snow felt that the trial was going in their favor and that the opportunity was there for them to “make a good record for the Church” by drawing upon the “Spirit of the Lord” because this was “His work and he will stand by us in doing our best to maintain it.”<sup>14</sup> Court proceedings began to shift in favor of the prosecution and ten days later the leaders met with their defense attorneys and considered the “propriety of putting further testimony in court more fully explaining the instructions to pray for the avenging [of] the blood of the prophets.”<sup>15</sup> Although the trial was held during the crusade against polygamy, questions regarding blood atonement dominated the hearing. Judge Thomas J. Anderson decided against naturalizing the defendants and in his decision and lengthy opinion he dedicated eleven pages to the topic of blood atonement and only six to the issue of polygamy.<sup>16</sup> Questions regarding the

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<sup>11</sup> McMillan, *The Inside of Mormonism*, 40–49.

<sup>12</sup> Moyer, “Dancing with the Devil,” 89.

<sup>13</sup> Jedediah S. Rogers, ed., *In the President's Office: The Diaries of L. John Nuttall, 1879–1892* (Salt Lake City: Signature Books in association with the Smith-Pettit Foundation, 2007), 14 November 1889, 387.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*, 392.

<sup>16</sup> McMillan, *The Inside of Mormonism*, 63–93.

reasons for violence in Utah disturbed federal officials who were easily swayed by embellished accounts from outsiders and apostates.

Utah suffered from lawlessness and hostility like any other community in the West. In rare cases there was strong evidence of religious motivation. One of the few cases of this was the infamous Parrish and Potter murders, as they were commonly titled. William Parrish and two of his sons were brutally murdered in Springville as they attempted to move out of the territory. It appeared that a number of local Mormons had conspired to ambush and kill the Parrishes because they had left the Mormon faith. One of the conspirators, Gardner “Duff” Potter was mistakenly killed while escorting the victims to the ambush. Father Parrish had his throat cut and the twenty-two year old son was shot dead. One younger son, Orrin, narrowly escaped the gruesome scene with his life.<sup>17</sup> Widely accepted as a rare example of vengeance killing, there were several ulterior motives, including bad blood between Duff Potter and William Parrish.<sup>18</sup> Either way, the murders fanned the flames of superstition by feeding the fears that, “When the Mormons talk so much of death as a penalty, it is not the idle threat of imaginary killing, but the strong word of merciless men. They never threaten what they will not perform, and fear of risking the penalty withholds many from apostacy [*sic*].”<sup>19</sup>

Much less tantalizing, but more common than actual killings, was the rhetorical power of the doctrine and the impact it had on getting members to change bad behavior. John D. Lee

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<sup>17</sup> *Deseret News*, 6 April 1859; *Valley Tan*, 19 April 1859; Stout, *On the Mormon Frontier*, 2:692–93; U.S. Senate, *Executive Document*, no.32 (36<sup>th</sup> Cong., 1<sup>st</sup> sess., 1860), 26–28, 43, 56. For further background on the killings and general acceptance of the religious undertones of these murders, see Anderson, *Desert Saints*, 153–58; David L. Bigler, *Forgotten Kingdom: The Mormon Theocracy in the American West, 1847–1896* (Logan, Utah: Utah State University Press, 1998), 131–33; William G. Hartley, *My Best for the Kingdom: History and Autobiography of John Lowe Butler, A Mormon Frontiersman* (Salt Lake City: Aspen Books, 1993), 320–24; William P. MacKinnon, “‘Lonely Bones’: Utah Leadership and the Utah War Violence,” *Journal of Mormon History* 33 no.1 (Spring 2007): 142–44; Quinn, *Extensions of Power*, 243.

<sup>18</sup> Don Carlos Johnson, *A Brief History of Springville, Utah, from its First Settlement, September 18, 1850, to the 18<sup>th</sup> Day of September, 1900* (Springville: William F. Gibson, 1900), 40–41.

<sup>19</sup> John Hyde, Jr., *Mormonism: Its Leaders and Designs* (New York: W. P. Fetridge and Co., 1857), 102.

chronicled two different encounters where the doctrine was employed for solely rhetorical purposes.<sup>20</sup> The Shoshone Mission history tells of several events that corroborate the figurative power of the doctrine. During the Reformation the High Council was deeply involved in trying to “Save the Sin[n]ers of Israel” through repentance and rebaptism.<sup>21</sup> When Rowlin Bowman was brought before the council for stealing and “had a hard job of it to mak[e] him confess,” the authorities threatened him that his “*days were few.*” When Bowman “saw that *death* was at the door,” he confessed his sin and told those he had wronged that if they caught him stealing again to “just *kill me.*” All voted to forgive him and he was rebaptized.<sup>22</sup>

More serious offenses called for even more intimidating methods. When M. Cole came before the Church authorities for stealing he came ready for deadly battle with a knife and fire arm concealed under his clothes. He admitted that he intended to use them if he “tho[ugh]t the council was too hard on him.” According to the meeting minutes, one of the council members had foreseen Cole’s dubious intent in a dream the night before and was able to remove his weapons before he could use them. The brethren were concerned with Cole’s conduct, both before and during the trial and confided that, “We had a hard time to Save him.” After a two day adjournment consisting of much fasting and prayer, the council reconvened. The members relied on the Lord to help them know how to assist Brother Cole.

Then the Spirit moved the Prest to decide & all the council agreed that it was right, in order to Satisfy justice—that he should lay his head on the floor as a token that he was willing [that] it should be taken off if we tho[ugh]t it was neces[s]ary to make atonement for the Sins. But when he had Straited himself on the floor the Spirit bore testimony to

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<sup>20</sup> John D. Lee, *A Mormon Chronicle: The Diaries of John D. Lee, 1848–1876*, 2 vols., ed. Robert Glass Cleland and Juanita Brooks (San Marino: Huntington Library Press, 2003), 1:98–99, 103–04.

<sup>21</sup> Shoshone Mission Journal, 1855-1857, Church History Library, the Church of Jesus Christ of Latter-day Saints, Salt Lake City, 11 January 1857, 33; hereinafter abbreviated as CHL.

<sup>22</sup> *Ibid.*, 1 January 1857, 31–33.

all the council that it was enough—then mercy had claim on him[.] Sent him out with good Spirit on him.<sup>23</sup>

Herein was the true nature of blood atonement—to allow men to realize the gravity of their sinful ways and rechart a course towards salvation through good works.

The case of Thomas Bird forced the council to “come out very rough & heavy on him.” Accused of stealing food and nails from the local Blacksmith, this “old & hardened” Mormon did not fancy the Reformation and initially refused to repent. Aware that their loyalty was with God and his Church, they gave him the option of being forward and honest, confessing his sins, repenting, and making satisfaction “so that mercy could have a claim on him;” or, he could be “cut off [from] the church just below his ears! [F]or justice would not be satisfied without one or the other.” The admonition carried weight and the penitent Saint, like Bowman before him, pleaded that the leaders and people forgive him of his wrongdoings and authorized them to “take his head & be clear of doing it” if he was ever caught stealing again. At the Sunday services they both admitted guilt and expressed gratitude to the members of the High Council for saving them “from the Brink of destruction & put[ting] them in the way of Salvation.”<sup>24</sup>

Mormonism concerned itself with making bad men good, good men better, and great men Gods. The theological structure obscured the lines between everyday activities and religious service. Brigham Young preached a “practical religion”, a faith where building a fence, farming, or buying groceries, could be considered religious acts.<sup>25</sup> “Our religion embraces every truth

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<sup>23</sup> Shoshone Mission Journal, CHL, 11 January 1857, 33.

<sup>24</sup> *Ibid.*, 32–34.

<sup>25</sup> Brigham Young, 6 October 1855; as quoted in JD, 3:46. He also referred to this as “practical ‘Mormonism,’” on 6 April 1853; as quoted in JD, 1:137.

pertaining to mortal life—there is nothing outside the pale of it.”<sup>26</sup> Similarly, every act had the capability of being part of one’s devotion. This was not fanaticism, but, functional faith, not self-righteous devotion on Sunday and deviant living throughout the rest of the week.

I am decidedly in favour of practical religion—of every-day useful life. And if I to-day attend to what devolves upon me to do, and then do that which presents itself tomorrow, and so on, when eternity comes I will be prepared to enter on the things of eternity. But I would not be prepared for that sphere of action, unless I could manage the things that are now within my reach. You must all learn to do this.<sup>27</sup>

Brigham Young pleaded with his followers to be a follower twenty-four hours a day, seven days a week. This radical approach to the secular and sacred demolished the dividing line between spirit and flesh, heaven and earth, eventually uniting the *religious* with the *secular*. Early leaders counseled Saints in nearly every aspect of life—from how to water crops to voting in local elections. Outsiders saw this as nothing more than tyranny, Mormons viewed it as wise counsel. This is not to imply that Brigham never abused his power. Close confidant and follower, Franklin D. Richards commented, “Brigham used to love to display his power[,] his absolute and arbitrary influences, and cases are mentioned where his authority has been exercised in an apparently unnecessary and somewhat frivolous manner.”<sup>28</sup> But for the most part his reign was marked by an unwavering commitment to instructing his people on how to be a Saint at all times, in all things, and in all places.<sup>29</sup>

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<sup>26</sup> Brigham Young, 5 December 1853; as quoted in JD, 1:336.

<sup>27</sup> Brigham Young, 5 July 1857; as quoted in JD, 5:3–4.

<sup>28</sup> Franklin D. Richards, “Utah Notes,” Hubert Howe Bancroft Collection, Bancroft Library, University of California Berkeley, 4.

<sup>29</sup> For a sampling of teachings from Brigham Young and other leaders concerning practical religion, see Brigham Young; as quoted in the JD, 1:185–91, 209–20, 309–16, 316–22, 334–41; 2:279–84; 3:43–51, 115–23, 191–96, 272–79; 4:341–46; 354–60; 5:1–6, 166–71, 256–66; Jedediah M. Grant, 24 September 1854, 13 July 1855; as quoted in JD, 3:58–61, 65–69; Heber C. Kimball, 7 June 1857; as quoted in JD, 4:334–40; Parley P. Pratt, 30 January 1853; as quoted in JD, 1:172–85; Orson Pratt, 7 October 1854; as quoted in JD, 2:54–61.

There were many different factors at play when dealing with the Mormons of Utah. For some the religious motive may have been uppermost; but at other times, it is only one of many considerations. None of them are mutually exclusive. The members were more than simply Mormons, and their actions could not always be deemed *Mormon*. This is evidenced by the tax stations that were erected because of the need for money in the territory. But, as the examples demonstrated, it was easy for Mormons to justify extorting money from those outside their religion. Explicitly ignoring the ordinary divides, Mormons are a complex people that have eluded students of extralegal violence.

Blood atonement killings were extremely rare and even harder to substantiate. This doctrine was explained in great detail during the Utah period and fueled widespread misrepresentations, igniting fires of derision that scorched across the United States and Europe. An uninformed public was quick to pin all the killings in Utah as the acts of religious zealots who were the loyal servants of a despotic tyrant. Rumors circulated that holy murders were common in Utah and that none were safe, not even the President of the United States.<sup>30</sup>

Congress did not respond kindly to the apparent threat of lawlessness in Utah. As one Utah historian has noted, lawmakers in Washington D.C. held congressional hearings in an attempt to “solve the Mormon Question for good” by sectioning-off the Mormon land and divvying it up among the various surrounding territories and states.<sup>31</sup> Congressman James T. Ashley of Toledo, Ohio planned to “obliterate Utah, parceling out its land to surrounding

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<sup>30</sup> Brigham Young, 7 June 1857; as quoted in JD 4:345.

<sup>31</sup> Paul Reeve, “Reconstructing the West: James M. Ashley’s Answer to the Mormon Question,” Paper delivered at the Western History Association Conference, Oklahoma City, OK., October 2007, 7; copy in author’s possession.

territories and states,” in order to rid the United States of the religious menace.<sup>32</sup> Like many delegates sent to investigate Utah, Ashley gave preference to the non-Mormon population and relied on their opinions, rather than those of the Mormon people themselves. Not surprisingly, his biased research indicted Mormons as religious fanatics and decried the “rascality” of “the leaders of this ecclesiastically enslaved people.” The Republican rhetoric of reconstruction drew parallels with the conquered southerners and losers of the Civil War.<sup>33</sup> At the heart of his argument were the doctrine of blood atonement and the secret temple oaths, referring to the religious system as the “impurest despotism on earth.”<sup>34</sup> Government officials were wary of the purported might of the Mormon militias and feared armed reprisal. In an effort to quell armed rebellion the military governor of Utah, J. Wilson Schaffer, restricted the movements of the Mormon militia and sought to “curtail the right to bear arms among the saints.”<sup>35</sup> Fortunately for Utahans, “Ashley’s political career spiraled unceremoniously into oblivion,” along with his dastardly Utah plan.<sup>36</sup> However, Mormon leaders could not ignore the fact that Congress was now directly involved in the investigation of the Mormon problem.<sup>37</sup>

The hierarchy felt the pressure as the feds ratcheted up the pressure to dismantle the Mormon power structure. Several bills were drawn up, each aimed at diminishing the influence

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<sup>32</sup> Moyer, “Dancing with the Devil,” 34.

<sup>33</sup> Reeve, “Reconstructing the West, 12–14.

<sup>34</sup> *Ibid.*, 18.

<sup>35</sup> Moyer, “Dancing with the Devil,” 35.

<sup>36</sup> Reeve, “Reconstructing the West,” 29. For a detailed examination of the broader political context, see Moyer, “Dancing with the Devil,” 1–63.

<sup>37</sup> Moyer, “Dancing with the Devil,” 32.



of the Mormon Church.<sup>38</sup> The passage of the Poland Act in 1874 struck a direct blow at violence in the Utah region by granting federal appointees more freedom to prosecute Mormons in the territory.<sup>39</sup> A new precedent had been set and many would seek justice for crimes committed against them while residing in Utah. This legislation did not wipe out vigilantism completely, yet, it may have played a central role in the decrease of extralegal violence in the region. The line had been drawn. No longer was justice to be meted out by vigilantes, nor was retribution to be sought outside the bounds of territorial law.

Mormons also decided to draw a line concerning the practice of blood atonement. The naturalization trial left the hierarchy distressed and upset. The talented apologist and adept writer, Charles W. Penrose, sought the permission of the First Presidency to draft a “manifesto with regard to refuting the false assertions” made by Judge Anderson.<sup>40</sup> Penrose was no stranger to controversy; he felt right at home defending the religion he unabashedly professed. He drafted two separate denials and submitted them to the Presidency for consideration.<sup>41</sup> After several discussions regarding who should sign the refutation, it was decided that it should be an official declaration from the First Presidency and the Twelve Apostles. The pronouncement was published in the *Deseret News*, 14 December 1889.<sup>42</sup>

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<sup>38</sup> Gustive O. Larson, *The “Americanization” of Utah for Statehood* (San Marino: Huntington Library, 1971), 64–77; Edward Leo Lyman, *Political Deliverance: The Mormon Quest for Utah Statehood* (Urbana and Chicago: University of Illinois Press, 1986), 10–17.

<sup>39</sup> Larson, “Americanization” of Utah for Statehood, 76–77; Moyer, “Dancing with the Devil,” 36–38.

<sup>40</sup> Rogers, *In the President’s Office*, 396.

<sup>41</sup> *Ibid.*, 397–98

<sup>42</sup> *Deseret News*, 14 December 1889; Rogers, *In the President’s Office*, 400; James R. Clark, ed., *Messages of the First Presidency of The Church of Jesus Christ of Latter-day Saints*, 6 vols. (Salt Lake City: Bookcraft, 1965–75), 3:183–87.

The manifesto did not mince words. The hierarchy began by refuting the “gross misrepresentations of the doctrines, aims and practices of the Church of Jesus Christ of Latter-day Saints.”<sup>43</sup> In their opinion, the motivations for the naturalization trial were purely political and seethed with “calumnies” that could not be ignored.<sup>44</sup> Just as Brigham Young and other leaders had publicly taught the principle of blood atonement, so too did Wilford Woodruff, his counselors, and apostles strike it down. The first issue of the public statement dealt with the difficult doctrine of blood atonement.<sup>45</sup> It maintained that those found guilty of murder “before a legally constituted court of the land” should be punished by having their own blood shed.<sup>46</sup> The leaders went on to declare any and “all the stories told about the killing of apostates” as fabricated lies. In defense, the hierarchy argued that many apostate and anti-Mormons lived prosperous lives in Utah “without receiving the slightest personal injury.”<sup>47</sup> The most candid rejection of blood atonement directly followed:

We denounce as entirely untrue the allegation which has been made, that our Church favors or believes in the killing of persons who leave the Church or apostatize from its doctrines. We would view a punishment of this character for such an act with the utmost horror, it is abhorrent to us and is in direct opposition to the fundamental principles of our creed.<sup>48</sup>

Perhaps due to oversight or stratagem, not once did the manifesto refer to blood atonement in name. A year later President Woodruff was more explicit in his response to a series of articles in

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<sup>43</sup> Clark, *Messages of the First Presidency*, 3:184.

<sup>44</sup> *Ibid.*

<sup>45</sup> Clark, *Messages of the First Presidency*, 3:184–85.

<sup>46</sup> *Ibid.*, 184.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*, 185.

the *Illustrated American*. In his rebuttal, Woodruff criticized the author for adding to the fiction and falsehoods akin to romance and dime novels.<sup>49</sup>

The extralegal mores in Utah did not create an excessively violent atmosphere. According to numerous visitors, residents, delegates, and neighbors, Utah, for the most part, was admired by many for its ordered and just society. Sir Richard Burton commented that during his stay in Utah he witnessed not one murder, but his short passage through “Christian Carson City, in three days resulted in three killings.<sup>50</sup> Some newspaper accounts lauded the Mormons for their accomplishments in the arid desert, hailing their work ethic and denouncing the malicious rumors in circulation.<sup>51</sup> One account affirmed the Mormons as having “few equals, and no superiors on the earth.” He went on to predict that the Mormons would “influence the destiny of our country and the world for a hundred generations.”<sup>52</sup>

A compilation of favorable accounts by “non-‘Mormon’ witnesses” were collected and printed by the Church in 1878. The short pamphlet contained thirty-five pages of adorations, compliments, and comments on the civil, ordered settlements in Utah.<sup>53</sup> One observer noted that

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<sup>49</sup> Ibid., 202–10. This was not the final debate over blood atonement; see also Daniel H. Ludlow, ed., *Encyclopedia of Mormonism: The History, Scripture, Doctrine, and Procedure of the Church of Jesus Christ of Latter-day Saints*, 5 vols. (New York: Macmillan, 1992), 1:131; Bruce R. McConkie, *Mormon Doctrine* (Salt Lake City: Bookcraft, 1966), 60–66, 92–93; Brigham H. Roberts, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints*, 6 vols. (Salt Lake City: Deseret News Press, 1930), 4:124–37, 493–502; 5:184–93; Joseph Fielding Smith, *Blood Atonement and the Origins of Plural Marriage* (Independence: Zion’s Printing and Publishing Co., 1905); *Conference Report of the Church of Jesus Christ of Latter-day Saints*, October 1902, 6–10, 24–26, 78–82.

<sup>50</sup> Burton, *City of the Saints*, 225.

<sup>51</sup> Samuel A. Smucker, ed., *The Religious, Social, Political History of the Mormons, or Latter-day Saints, from their Origin to the Present Time; Containing a Full Statements of their Doctrines, Government and Condition, and memoirs of their Founder, Joseph Smith* (New York: C. M. Saxton, 1858), 310–21.

<sup>52</sup> Ibid., 314.

<sup>53</sup> Elder A. Milton Musser, *The Fruits of “Mormonism,” by Non-“Mormon” Witnesses. Being for the Most Part Brief Extracts from Letters, Addresses, Lectures, etc., by Statesmen, Senators, Governors, Judges, Tourists, Editors, Generals, Ladies, Clergymen, Railroad Magnates, Professors, Doctors, and Miscellaneous Correspondents—All Non-“Mormons”—About Utah and the “Mormons”* (Salt Lake City: Deseret News Steam Printing, 1878).

Americans were too busy lapping up the rumors of blood and iniquity “unjustly accredited” to Mormon leaders to recognize their good deeds and kindness.<sup>54</sup> Others detailed the low crime rates and statistics among the Mormons and pointed out that the majority of deviants were not members of the Church in Utah.<sup>55</sup>

Nonetheless, Utah was far from devoid of violence, both legal and extralegal. The confluence of settlers, migrants, and military personnel created an atmosphere where violent clashes were inevitable. During an early visit to the territory, Secretary of State Lewis Cass was impressed by the “peaceable diligence” of the Mormon people but acknowledged the existence of extrajudicial proceedings among the Saints.

After the passage of the army, hundreds of adventurers were attracted to these valleys, and met here some congenial spirits. Banded together for rapine and acts of violence, they have stolen large herds of horses and mules. Many of these men, maddened by intemperance, or rendered desperate by losses at the gaming table, or by various other causes, have shed each other’s blood in frequent conflicts, and secret assassinations. These lawless and bloody deeds are committed by them almost daily with impunity, and when their atrocity and frequency shock the public mind, it has become the custom with a certain set of people to exclaim against the *people of Utah*; but it is an injustice to impute the acts of these desperadoes to the community in general. With an equal show of justice might they be attributed to the inhabitants of the States and Territories whence these men have so recently emigrated.<sup>56</sup>

Cass went on to enumerate six reasons for the retardation of the due administration of laws in the territory, including the misunderstanding of the dominant religious people—to which he appended no less than seven justifications on the part of the Mormons for distrusting the government.<sup>57</sup>

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<sup>54</sup> Musser, *The Fruits of “Mormonism,”* 24.

<sup>55</sup> *Ibid.*, 26–30.

<sup>56</sup> U.S. House of Representatives, *Executive Document*, 42.

<sup>57</sup> *Ibid.*, 42–46.

Most extralegal violence in Utah did not revolve around, nor was it dependent upon, the idea of blood atonement. The evidence clearly indicates that the majority of these incidents were the direct result of vigilante-style justice. It has been claimed that it “would be bad history to pretend that there were no holy murders in Utah.<sup>58</sup> It is equally deficient to allow an extremely misunderstood doctrine to distort the past of an entire people and region. Utah has too much to offer historians of violence. This study does not claim to be comprehensive, many incidents of extralegal justice were not included. However, by detailing the extralegal culture of the frontier and interior it hopes to demonstrate how connected Utah was to its neighbors in the West. The examination of tax stations aimed to educate interested readers in the intricate motives of the Utah people. These were not simple automatons obeying the dictates of an autocrat, they were a complex people dealing with the everyday struggles of forming a community in the West.

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<sup>58</sup> Wallace Stegner, *Mormon Country* (1942; repr., Lincoln: University of Nebraska Press, 1970), 96.

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