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M ost modern Americans define liberty as the freedom to *do* things: freedom to speak, freedom to congregate, freedom to vote, freedom to worship. That is, we define it in proactive terms. But in early America, many citizens were just as likely to define liberty as freedom *from* things: freedom not to be taxed without representation, freedom not to be unjustly imprisoned, or freedom not to be oppressed. In other words, they defined it in preventive terms. And among Americans in the 1830s, perhaps the most poignant political discussion concerned the freedom to not be forcibly removed from the land on which they lived. That such a question was at the forefront of political discourse demonstrated the tumultuous nature of rights and liberties in an age of expansion and colonization.1

This dynamic—debates over who should belong and who should be expelled—is perhaps most poignantly captured in a fascinating and overlooked document written by members of The Church of Jesus Christ of Latter-day Saints in the summer of 1838. That June, leaders of a clandestine and controversial group officially titled the "Society of the Daughters of Zion," but colloquially known as the Danites, penned a new constitution for their secretive society. "We the members of the society of the Daughter of Zion," the constitution declared, "do agree to regulate ourselves under such laws as in righteousness shall be deemed

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1. See Carroll Smith-Rosenberg, *This Violent Empire: The Birth of an American National Identity* (Chapel Hill: University of North Carolina Press, 2010); Samantha Seeley, "Beyond the American Colonization Society," *History Compass* 14, no. 3 (March 2016): 93–104.

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necessary for the preservation of our holy religion."2 The document was filled with republican language even as it subtly challenged existing democratic systems. Further, the decree instituted a new representative institution outside traditional political structures, a society that blended republicanism and vigilante justice. It is therefore a significant, if often underanalyzed, example of democratic innovation during the antebellum period, and its contents represent a fissure within America's constitutional tradition.3

The Danite body was no more than a few weeks old by the time they penned their constitution, but they were anxious to formalize themselves as a political organization. The Latter-day Saint community had recently experienced—and, at least to that point, had appeared to survive—an internal crisis, but they were now preparing for a growing conflict with external forces. They knew they were traversing difficult soil. Yet members of the Danite crew were aware that any appeal to political sovereignty required traditional validation. That they were now writing their own constitution reflected both their pressing desire for formal justification and their broader commitment to, yet frustration with, America's more traditional constitutional system. After concluding that local and state authorities were no longer willing to support them—particularly, their right to remain on their land—they were ready to formulate more radical forms of protection, including vigilante mobilization.

Historians of the Latter-day Saint tradition have often dissected the origins, members, and activities of the Danites—and much has been made about Joseph Smith's involvement with the group—but what often gets overlooked is how this nascent organization drew from a broader political tradition of rights and belonging within a democratic society. The society was more than just a replication of frontier vigilante justice. Indeed, the creation of the Danites—as well as its constitution—represented the culmination of tense discussions concerning who can and

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2. A transcript of the constitution is reproduced in Sampson Avard's witness testimony in "Minutes and Testimonies, 12–29 November 1838 [*State of Missouri v. Gates et al. for Treason*]," p. 10, The Joseph Smith Papers, https://www.josephsmithpapers.org/paper-summary/minutes-and-testimonies-12-29-november-1838-state-of-missouri-v-gates-et-al-for-treason/10.

3. General overviews of the Danites are found in Leland H. Gentry, "The Danite Band of 1838," *BYU Studies* 14, no. 4 (1974): 421–50; 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; Alexander L. Baugh, "'We Have a Company of Danites in These Times': The Danites, Joseph Smith, and the 1838 Missouri-Mormon Conflict," *Journal of Mormon History* 45, no. 3 (July 2019): 1–25.

cannot reside within a particular community. It looked both outward toward Missouri neighbors and inward toward Mormon dissenters. The Danite constitution was the Latter-day Saint attempt to stake their political right to not be forcibly removed while also justifying their liberty to define the boundaries of their own community.

This article traces the intellectual genealogy for this debate in an attempt to accomplish two objectives: first, to add layers to what happened in Far West, Missouri, in spring and summer 1838, including a better understanding of why the Saints were seen as so threatening to their neighbors and how the members of the faith justified their decision to fight back; and second, to better understand the broader antebellum culture's struggle to define constitutional rights in an era where majoritarian rule seemed to verge on outright oppression. This article then concludes by highlighting how the actions in Missouri set the stage for another constitution written six years later in Nauvoo, another moment in which the Saints' seemingly radical actions reflected broader political anxieties. Indeed, America's democratic tradition is rife with moments of defining conflict, and the Mormon-Missouri War should be understood as exemplifying that uneven trajectory.4

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When missionaries sent by Joseph Smith first arrived in Missouri in early 1831, the state had existed for only a little more than a decade. Yet much had already happened during that period. Missouri was part of the Louisiana Territory acquired from France in 1803, and America viewed this western region, previously separated by the Mississippi River and claimed by competing empires, as a land ripe for expansion and colonization. The nature of that colonizing process, however, was contested. Thomas Jefferson, president at the time of the purchase, hoped it would be a land of yeomen farmers expanding what he called the "empire for liberty," as new settlements would build a growing system of free-market labor and republican rule. To many, this westward experiment represented the bold possibilities of America's imperial ambitions to

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4. For the Mormon-Missouri War, I have relied upon Stephen C. LeSueur, *The 1838 Mormon War in Missouri* (Columbia: University of Missouri Press, 1987); Alexander L. Baugh, "A Call to Arms: The 1838 Mormon Defense of Northern Missouri" (PhD diss., Brigham Young University, 1996; Provo, Utah: BYU Studies, 2000); Leland Homer Gentry and Todd M. Compton, *Fire and the Sword: A History of Latter-day Saints in Northern Missouri, 1836–39* (Salt Lake City: Greg Kofford Books, 2010), 169–394.

eventually conquer the entire continent and introduce their system of democratic governance.5

Yet that anticipated trajectory went askew from the start, in two different yet correlated directions. First, the invention of the cotton gin increased the profitability of the slave institution, and a large number of immigrants from southern states quickly turned the Missouri territory, one of the first territories carved out of the broader Louisiana Purchase, into a region dominated by slaveholders. The fertile land and access to the Mississippi River was too inviting to large plantation owners to give up, and they swiftly wrested control away from farmers and White laborers. The capitalist empire, in which Missouri would play a key role, now revolved around slavery, a decision reflected in the infamous Missouri Compromise of 1820 that secured Missouri as a slave state and assured slavery a place in the American West. It also confirmed what had long been assumed: American settlement in this new territory required the forced removal of Indigenous populations who currently resided on its land.6

A second departure from America's effort to introduce democratic government across the continent involved the state of Missouri. This new state was envisioned to be a hallmark for America's democratic potential, evidence that the nation was filled with citizens capable of orderly self-rule, but instead Missouri soon became known for its extralegal action and widespread violence. Because federal authority was often absent on the frontier—and Missouri was as "frontier" as possible—citizens were wont to take justice into their own hands. Majoritarian will often sanctioned swift decisions and punishments. Those who wished for more stable forms of justice were aghast at what was taking place. After one episode of extralegal justice, Abraham Lincoln denounced the "mobocratic spirit" prevalent in the region, which he believed had previously threatened the "undecided experiment" of democracy during the young republic.7 Similarly, when Alexis de Tocqueville toured the American

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5. Thomas Jefferson to James Madison, April 27, 1809, in J. Jefferson Looney, ed., *The Papers of Thomas Jefferson: Retirement Series*, 3 vols. to date (Princeton: Princeton University Press, 2004–), 1:69. See also Jon Kukla, *A Wilderness So Immense: The Louisiana Purchase and the Destiny of America* (New York: Knopf, 2003).

6. See Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill: University of North Carolina Press, 2007).

7. Abraham Lincoln, "Address to the Young Men's Lyceum of Springfield, Illinois, January 27, 1838," in *Abraham Lincoln: Speeches and Writings, 1832–1858*, ed. Don E. Fehrenbacher (New York: Library of America, 2012), 28–36.

West, he denounced what he called the "tyranny of the majority," which often served as a more efficient yet also more unruly form of governing. Democratic rule, it seemed, was being severely tested on the edges of America's empire, spreading doubt about the nation's ambitions.8

Simultaneously, the American nation watched its geographic boundaries expand as politicians and citizens alike debated what groups of people belonged within its borders. Could the growing empire be home to such a disparate population, or was it destined to be a homogenous society? Much of this debate possessed a racial hue. Presidents, legislators, and judges all debated whether Indigenous peoples had the right to remain on their land. By 1838, forced removal ended up winning the day. Activists, reformers, and politicians discussed the possibility of relocating African Americans outside of America's boundaries; Black colonization, while never receiving majority support, was a constant presence in antebellum American political discourse. In the wake of the American Revolution, citizens of the new nation struggled to define a political body that encompassed such a broad range of communities and traditions; therefore, racial solidarity served as a crucial common lynchpin. This was to be a white man's republic, and those who fell outside those boundaries risked coerced relocation.9

But debates over removal did not only include racial minorities. During the same decade that the Cherokee were forced from their lands and the American Colonization Society reached new popular heights, Joseph Smith's followers and their neighbors were arguing over who could belong within their own communities: Latter-day Saints excluded dissenters from their society while also claiming their place within Missouri; their gentile neighbors, on the other hand, sought to expunge what they believed to be a nuisance from their frontier state while also insisting they were not encroaching upon the rights promised by religious

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8. Alexis de Tocqueville, *Democracy in America,* trans. and ed. Harvey C. Mansfield and Delba Winthrop (1835; Chicago: University of Chicago Press, 2000), 236–37, 250. For violence and the experiment of democracy, see James T. Kloppenberg, *Toward Democracy: The Struggle for Self-Rule in European and American Thought* (New York: Oxford University Press, 2016), 633–36.

9. For the broad movements of racial removal—both Native and African American—see Nicholas Guyatt, *Bind Us Apart: How Enlightened Americans Invented Racial Segregation* (New York: Basic Books, 2016). For the racial nature of political belonging during the early republic, see Sylvester A. Johnson, *African American Religions, 1500–2000: Colonialism, Democracy, and Freedom* (New York: Cambridge University Press, 2015), 159–208; Robert G. Parkinson, *The Common Cause: Creating Race and Nation in the American Revolution* (Chapel Hill: University of North Carolina Press, 2016).

liberty. In each of these cases—Indian removal, Black colonization, and the Mormon-Missouri War—what was at stake was the right to define who belonged within a democratic body. And in nearly every occasion, participants turned to extralegal action to fulfill their initiatives.10

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The Latter-day Saint plights in both Ohio and Missouri took place within this context and in many ways reflected these broader concerns. Conflict with the Church's neighbors arose almost immediately after Latter-day Saints settled in Independence, Jackson County, Missouri, because the "old settlers" believed the newcomers represented the dangers of democratization. There was a risk, they believed, that a few religious "frauds" could "delude" those from the bottom rungs of society, introduce communal unrest, and deceitfully claim religious liberty. After a few years of escalating tensions, in 1833 the Saints were kicked out of the county by a mob who justified their actions through appeals to societal peace. The safety of the many, they believed, was enough to countenance the removal of the few.11

At first, Missouri's solution to this problem fit into a broader narrative of American society: removal and segregation. Though the Saints shared the same skin color and European descent as their Missouri neighbors, their radical beliefs and countercultural message were seen as a trenchant threat, and in some important ways, they were therefore stripped of their appeals to whiteness. (Importantly, however, Latter-day Saints were never disenfranchised to the same extent as—and always

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10. For the rise of extralegal violence, see Christopher Waldrep, *The Many Faces of Judge Lynch: Extralegal Violence and Punishment in America* (New York: Palsgrave Macmillan, 2003), 27–48; Irene Quenzler Brown and Richard D. Brown, *The Hanging of Ephraim Wheeler: A Story of Rape, Incest, and Justice in Early America* (Cambridge: Harvard University Press, 2005). For the racial dimensions of these forms of justice, see Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge: Harvard University Press, 2001).

11. For the story of the early Church in Jackson County, see Kenneth H. Winn, *Exiles in a Land of Liberty: Mormons in America, 1830–1846* (Chapel Hill: University of North Carolina Press, 1989), 85–105; Mark Ashurst-McGee, "Zion Rising: Joseph Smith's Early Social and Political Thought" (PhD diss., Arizona State University, 2008), 156–389; Matthew Bowman, *The Mormon People: The Making of an American Faith* (New York: Random House, 2012), 32–62. For the justifications to remove the Saints, see J. Spencer Fluhman, *"A Peculiar People": Anti-Mormonism and the Making of Religion in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2012), 49–78.

retained access to rights that were simultaneously denied to—African and Native Americans.) To separate the Saints from their non-LDS neighbors, they were granted their own county, Caldwell, in the northern part of Missouri in 1836, akin to the segregation of unwanted native populations through the creation of confined reservations and related to the call to return freed slaves to Africa. Such a move underscored a belief that the Saints' religious tradition could not be integrated into the democratic system. The original settlers hoped that, once the Saints were separated into their own county, the radical faith would no longer serve as a thorn in the state's side. The Saints soon established Far West as the capital of this new county, and thousands immediately gathered within its borders.12

Shortly after the Saints were allowed some stability in Missouri, however, they began facing increasing pressure in their Ohio settlement. Though the completion and dedication of their temple in Kirtland in 1836 seemed to signify the community's success, conditions soon spiraled into division and despair. Joseph Smith's failed antibanking society fueled an already-present flame of discord, and soon a number of Saints, at both elite and common levels, were turning their backs on the man they had previously viewed as a prophet. Eventually, maintaining the Church's headquarters in Ohio became untenable, so Smith decided to relocate with his family to Far West. They were soon followed by many other Saints who chose to reaffirm their allegiance to the faith's founder. Suddenly, the new Latter-day Saint county in Missouri was both the sole headquarters and the only viable option for a community once more on the move.13

Yet just as Smith was on his way to join the other Saints in Far West, the nascent city was already seeking to push others out. "Quite a change has taken place among us," Apostle Thomas B. Marsh wrote Smith in early February, indicating that before they took some drastic measures, "the church was about to go to pieces." Several men who had previously overseen the Missouri settlement, notably David Whitmer, Oliver Cowdery, and Lyman Johnson, had come into conflict with

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12. For the stripping of Latter-day Saint whiteness and the relatedness between the creation of Caldwell County and Native reservations, see W. Paul Reeve, *Religion of a Different Color: Race and the Mormon Struggle for Whiteness* (New York: Oxford University Press, 2015), 64–67.

13. See Richard Lyman Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Knopf, 2005), 322–41.

other leaders and were threatening to cause further dissent. "We know that such an attempt," Marsh rationalized, "would . . . divide and scatter the flock." The threats had to be removed from power. Whitmer, Cowdery, and Johnson were therefore released from their leadership positions, but their lingering presence in the city continued to cause consternation.14

Those involved knew that this was a critical problem. The Saints had already been kicked out of two communities that decade, and they were anxious to avoid further conflict. Indeed, two months earlier, Smith had made similar warnings concerning schisms in Kirtland. He wrote a letter that included a revelation that commanded the Saints to "be aware of dissensions among them lest the enemy have power over them." They were to be vigilant about wolves dangerous enough to destroy their flock.15 When the Prophet arrived in mid-March, dealing with these dissenters—one of whom Smith referred to as his "bosom friend"—became a top priority.16

The excommunication trials for these three prominent men took place the second week of April 1838, and in many ways their proceedings reflected broader social anxieties concerning belonging and removal. Of course, methods of discipline, including excommunication, were far from new for both the Church and the culture from which it was birthed. Indeed, the right to expel members from a faith community had been in place since the first Protestants arrived on the North American continent. Within a few years of the Puritans settling the Massachusetts Bay Colony, men and women were cut off from the church and, due to the ecclesiastical control of these communities, kicked out of their towns. But as the British colonies transitioned into American states, and federal and state disestablishment weakened the grasp of religious control, the fruits of excommunication became much tamer. The physical presence of multiple religious societies within a single community meant that denominations and towns could no longer be homogeneous,

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14. Thomas B. Marsh to Joseph Smith, February 15, 1838, in Mark Ashurst-McGee and others, eds., *Documents, Volume 6: February 1838–August 1839,* Joseph Smith Papers (Salt Lake City: Church Historian's Press, 2017), 23–24.

15. Joseph Smith to Edward Partridge, January 7, 1838, in Brent M. Rogers and others, eds., *Documents, Volume 5: October 1835–January 1836,* Joseph Smith Papers (Salt Lake City: Church Historian's Press, 2017), 494.

16. Far West Minutes, April 12, 1838, in Rogers and others, *Documents, Volume 5,* 91. The "bosom friend" referred to Oliver Cowdery.

and the primacy of one's personal conscience became sacred for the Protestant traditions. American society learned to embrace noncreedal communities where people holding disparate beliefs could coexist. The Latter-day Saint Church's 1835 "Declaration on Government and Law" reflected this idea: "We do not believe that any religious society has any authority" to punish individuals beyond "excommunicate[ing] them from their society and withdraw[ing] from their fellowship." Religious pluralism, in other words, meant embracing diverse societies.17

The balance between civic and religious authority pervaded these April excommunication trials in Far West. One of the accusations brought against Oliver Cowdery was for "declaring that he would not be governed by any ecclesiastical authority nor revelation whatever in his temporal affairs." There were at least two roots to this claim. First, Cowdery had sold several of his Jackson County properties to pay off his considerable debts; this went against Smith's counsel to maintain real estate holdings in Zion. And second, Cowdery was using "his influence to urge on lawsuits" against the Church regarding financial squabbles; this action, Latter-day Saint leaders concluded, was destined to cause the very type of dissension and division that had taken place in Kirtland. In the minds of those in charge, these activities were a betrayal of his ecclesiastical office and therefore a threat to the community.18

In the mind of Cowdery, however, such an accusation was an infringement upon his personal conscience. "This attempt to controll [*sic*] me in my temporal interests," he wrote in a letter for the trial, was "a disposition to take from me a portion of my Constitutional privileges and inherent rights." He objected to being "controlled by other than my own judgement, in a compulsory manner, in my temporal interests."

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17. "Of Governments and Laws in General," circa 1835, in *Doctrine and Covenants of the Church of the Latter Day Saints: Carefully Selected from the Revelations of God* (Kirtland, Ohio: F. G. Williams and Co., 1835), 253. For the evolution of church discipline during this era, see Gregory A. Wills, *Democratic Religion: Freedom, Authority, and Church Discipline in the Baptist South, 1785–1900* (New York: Oxford University Press, 1997); Andrew R. Murphy, *Conscience and Community: Revisiting Toleration and Religious Dissent in Early Modern England and America* (University Park: Pennsylvania State University Press, 2001). For the move toward individualism and the sacralization of personal conscience, see Nathan O. Hatch, *The Democratization of American Christianity* (New Haven, Conn.: Yale University Press, 1989); Philip Hamburger, *Separation of Church and State,* rev. ed. (Cambridge: Harvard University Press, 2004).

18. Far West Minutes, April 12, 1838, in Ashurst-McGee and others, *Documents, Volume 6,* 88–90.

Such an action, he believed, was a betrayal of Anglo-American free-doms. Cowdery denounced the "attempt to set up a kind of petty government, controlled and dictated by ecclesiastical influence." The demands exceeded obligations allowed within a democratic body. In other words, Cowdery believed the Church was requiring certain obligations that transcended those expected within a voluntary church and were instead more reflective of an oppressive civic body.19

Similar themes saturated the trials that followed the next day with the other defendants. Like Cowdery, Lyman Johnson was accused of "stiring [*sic*] up people to prosecute them [the brethren], and urging on vexatious lawsuits," as well as "vindicating the cause of the enemies of this Church." David Whitmer was allegedly "uniting with, and possessing the same spirit with the Dissenters." In response, Johnson took issue with an ecclesiastical body attempting to control secular matters like civil lawsuits. He declared the list of charges "appears to me to be a novel document, assuming a right to compel me under pain of religious [censure] and excommunication not to appeal a lawsuit or change the venue of the same in which I am deeply interested, without the consent of a religious body." Both he and Whitmer chose to "withdraw" from the Church rather than succumb to its leaders' demands.20

The language used within these trials was both significant and suggestive. All three men—Cowdery, Johnson, and Whitmer—specifically and repetitively used "withdraw" to explain their separation from the Church. This word, also found in the Church's Declaration on Government and Law (D&C 134), emphasized the voluntary nature of the act. It represented the religious/civic division of rights within a democratic society. Their words and actions following these trials demonstrated their belief that, while they voluntarily withdrew from religious affiliation, they still possessed the political right to remain within the city. Their continued presence in Far West embodied a commitment to the republican ideal of noncreedal communities. Requiring individuals to leave a secular community because they were no longer part of a private faith seemed, to them, a transgression against the rules of disestablishment.

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19. Far West Minutes, April 12, 1838, in Ashurst-McGee and others, *Documents, Volume 6*, 88–90.

20. Far West Minutes, April 13, 1838, in Ashurst-McGee and others, *Documents, Volume 6*, 96–97, 102.

But the Latter-day Saint town of Far West did not fit that traditional model. This was in large part due to the Church's experience in Kirtland, where internal dissension had led to the collapse of their community in Ohio. Leaders were therefore willing to take drastic measures. But the vision of a Zion city also raised questions concerning societal belonging. Two weeks after the high-profile excommunication trials, Joseph Smith dictated a revelatory mandate for their town. "Let the City Far West," the voice of God proclaimed, "be a holy and consecrated land unto me." Their gathering place was meant to be "a reffuge [*sic*] from the storm and from [God's] wrath when it shall be poured out without mixture upon the whole Earth." To achieve this, though, their community had to meet a standard of righteousness. The gathering principles located in the Book of Mormon and Joseph Smith's early revelations, as well as in the city plans for Missouri's original Zion in Independence, were predicated upon societal unity and holiness.21

In many ways, this was an echo of the covenantal theology of colonial America's Puritans, who famously eschewed religious diversity as containing the seeds of disunity. Zion as a spiritual ideal could not be accomplished without spiritual harmony, they argued. John Winthrop, the famed minister who delivered the prominent appeal for the colony to become a "City on a Hill," specified that their community was to reject the "natural" form of liberty, which granted citizens the freedom to do whatever they wanted, and to embrace the "moral" standard instead, which allowed residents only the freedom to do what was *right.* Religious liberty, in other words, was the liberty to practice the true religion. This standard eventually led to conflicts with dissenters like Anne Hutchinson and Roger Williams, because their "heresies" were considered threats to communal stability. And even as religious control over New England colonies waned and more secular legacies persisted, the colonies instituted the practice of "warning out" any newcomers that they felt might menace social cohesion.22

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21. Joseph Smith, Revelation, April 26, 1838, in Ashurst-McGee and others, *Documents, Volume 6,* 114–15. For Smith's early thinking on Zion as a political theology, see Ashurst-McGee, "Zion Rising"; Benjamin E. Park, "To Fill Up the World: Joseph Smith as Urban Planner," *Mormon Historical Studies* 14, no. 1 (Spring 2013): 1–27.

22. For Puritans practices, see Daniel T. Rodgers, *As a City on a Hill: The Story of America's Most Famous Lay Sermon* (Princeton: Princeton University Press, 2018), 44–57. For New England practices of "warning out," see Josiah Henry Benton, *Warning Out in New England, 1656–1817* (Boston: W. B. Clarke, 1911); Cornelia H. Dayton and

Only after the American Revolution and the new social policies it introduced did these practices subside. But even then, individuals and families who were poor and otherwise marginalized could at times find it difficult to gain permanent residency in towns and villages. Those who were considered a nuisance to society, either through extremist views or the inability for self-dependence, were often forced to uproot and find a home elsewhere. Groups of supposed zealots were seen as a particular threat, since democratic governance appeared ripe for manipulation by societies with an inordinate number of untrustworthy residents. Such was, indeed, the justification given by the Jackson County residents when they evicted Mormon settlers in 1833.[23]

Similarly, Joseph Smith's Zion, as a political reality, could not be realized without communal conformity. Far West was to be a society for the elect, a gathering point for those who followed priesthood counsel. Cowdery, Johnson, and Whitmer, having been found guilty of causing dissension, could therefore be excluded not only from the Church's spiritual fellowship but also from the physical city. The three men believed it was their right, within a democratic republic, to live where they pleased; Smith and other leaders of the faith, however, believed that, as a majority of the city, they had the right to expel the miscreants.

Yet still the dissenters remained. Their continued presence rankled Church leadership. "How blind and infatuated are the minds of men, when once turned from Rigteousness [*sic*] to wickedness?" Joseph Smith wrote in mid-June 1838.[24] Their agitation threatened to disrupt the Missouri settlement. Something had to be done. Sidney Rigdon delivered a blistering public sermon likening the dissenters to salt that had lost is savor, which "is henceforth good for nothing but to be cast out, and troden [*sic*] under foot of men."[25] There was no room for heretics in the city of the Saints. Eighty-three members signed their names

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Sharon V. Salinger, *Robert Love's Warnings: Searching for Strangers in Colonial Boston* (Philadelphia: University of Pennsylvania Press, 2014). "Warning out" refers to a widespread practice in New England communities of pressuring or coercing "outsiders" to settle elsewhere.

23. See Fluhman, *"Peculiar People,"* 49–78.

24. Joseph Smith, Journal, July 4, 1838, in Dean C. Jessee, Mark Ashurst-McGee, and Richard L. Jensen, eds., *Journals, Volume 1: 1832–1839,* Joseph Smith Papers (Salt Lake City: Church Historian's Press, 2008), 276; Letter to Wilford Woodruff, circa 18 June 1838, in Ashurst-McGee and others, *Documents, Volume 6,* 156.

25. "Journal, March–September 1838," 47, July 4, 1838, Joseph Smith Papers, accessed January 21, 2021, https://www.josephsmithpapers.org/paper-summary/journal-march -september-1838/33.

to a letter commanding the three men, along with John Whitmer and William Phelps, to leave peaceably within three days. "We will have no more promises to reform," the letter warned.26 According to Smith's scribe, George Robinson, "these men took warning, and soon they were seen bounding over the prairie like the scape Goat to carry off their own sins." Once they were evacuated, the Saints could finally relax. "Their influence is gone," Robinson noted a couple weeks later. Or so they hoped.27

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The peace would not last. After directing their anger inward, members of the Latter-day Saint community were now ready to direct their attention outward. Worried that their stay in Caldwell County would bring the same result as in Jackson, they emphasized their rights to remain on their new land and build their righteous community. They would no longer be pushed into exile.

The power dynamics of expelling dissenters (in which the Saints could easily claim majority support) and opposing external pressure (in which they claimed minority protection) are seemingly contradictory. However, in reality, they reflect a common anxiety. In both instances, the Saints desired the right to self-rule, including the right to determine resident acceptance. They demanded ownership of land and control over those who lived on it. This paradox was at the heart of the democratic experiment, and foundational ideals—self-rule and equal protection—could at times appear to be in opposition. In many instances, as with the Latter-day Saints in Missouri, the principles existed simultaneously within the same community. Thus, having once exerted their right to evict citizens due to their appeals for communal harmony, they now expressed their desire to confront any external threats to civic participation.28

Once again, Sidney Rigdon stoked the flames of discord. Shortly after the dissenters fled the city, Rigdon delivered a fiery oration at Fourth of July festivities that declared that, though the Saints had "suffered [constant] abuse without cause," from that time forward "we will suffer it no more." Threats of violence from surrounding communities

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26. "Missouri v. Gates," 17 (June 1838).

27. Joseph Smith, Journal, July 4, 1838, in Jessee and others, *Journals, Volume 1,* 278.

28. For the paradox of democratic governance, see Kloppenberg, *Toward Democracy,* 655–710.

had put the Saints once more on the defensive. "That mob that comes on us to disturb us," he bellowed, "it shall be between us and them a war of extermination." Rigdon did not spare grisly details: "We will follow them till the last drop of their blood is spilled," and the Saints were willing to "carry the seat of war to their own houses, and their own families, [until] one party or the other shall be utterly destroyed." Joseph Smith added his amen, along with the large Latter-day Saint congregation's, to Rigdon's words. "This day was spent in cellebrating [*sic*] the 4 of July," Smith's journal noted, "and also to make our [own] decleration [*sic*] of Independence from all mobs and persecutions." A month later, Smith urged the Saints "to hold ourselves in readiness at a moment's warning, well armed and equipped." The Saints were not going to shy away from battle.29

But how does one justify this exclusive rhetoric, both internally toward dissenters and externally toward non–Latter-day Saint neighbors? How did they, as a religious body, have the authority to define the boundaries of a civic society? These were crucial questions. Indeed, Latter-day Saint leaders knew they could neither expel people from society on religious grounds nor mobilize an armed response merely as an organized religion, because either action would be an infringement upon religious liberty. The Church's political "motto" from March of that year, penned just a few months previous, included the proclamations "Exalt the standard of Democracy!" and "Down with that of Priestcraft!" Even Sidney Rigdon's Independence Day address denounced "all attempts . . . to unite church and state." At least rhetorically, Joseph Smith's community seemed committed to traditional boundaries of freedom.30

But desperate times required desperate measures. To fulfill that need, then, the "Society of the Daughter of Zion," commonly called the "Danites," was organized in the weeks between the forced eviction of internal dissenters and the warning of extermination to external threats. It was designed to serve as a civic body that could function as a political apparatus doing the bidding of, but remaining separate from, the

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29. Sidney Rigdon, *Oration Delivered by Mr. S. Rigdon, on the 4th of July, 1838* (Far West: Journal Office, 1838), 12. Joseph Smith, Journal, July 4, 1838, in Jessee and others, *Journals, Volume 1,* 276. Joseph Smith, Sermon, August 12, 1838, in Ashurst-McGee and others, *Documents, Volume 6,* 215.

30. Motto, circa March 16 or 17, 1838, in Ashurst-McGee and others, *Documents, Volume 6,* 44–45. Rigdon, *Oration Delivered,* 5.

organized Church. The organization served as the answer to the question of how they could define the rights and boundaries of their religious community within a democratic, secular society.31

Many historians have highlighted the vigilante nature of the Danite society. Indeed, within frontier communities, where forms of justice, systems of state, and, to a lesser extent, federal intervention seemed absent, it was not rare for local communities to mobilize extralegal bodies in order to save their people from some threat. Justice could be achieved more swiftly and more righteously in the hands of invested locals who were supposedly fulfilling majoritarian wishes. This had a long history within American culture, stemming from the Committees of Safety organized in colonial America in response to British taxes all the way to lynchings in the postbellum South. In a significant way, the Saints in Missouri were another example of the nation's long vigilante tradition.32

The Danites, however, went further than a traditional vigilante group by explicitly framing their organization as a representative body built upon republican traditions. The most significant embodiment of their aspirations, of course, was their constitution. The Danite constitution, likely created around the time the society was created, reflected a political philosophy that both drew from and appropriated America's democratic tradition. "Whereas in all bodies laws are necessary for the permanent Safety and well being of society," the document began, "we the members of the society . . . agree to regulate ourselves under such laws as in righteousness shall be deemed necessary for the preservation of our holy religion and of our most sacred rights and the rights of our wives and Children." This was not an offensive group, it urged, since it was their primary "object to support and defend the rights confered [*sic*] on us by our venerable sires who purchased them with the pledges of their lives fortunes and sacred honours." The last line, drawn directly

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31. For contemporary accounts of the society's creation, see Reed Peck to "Dear Friends," Quincy, Ill., September 18, 1839, p. 73, in Henry E. Huntington Library, San Marino, Calif.; John Corrill, *A Brief History of the Church of Jesus Christ of Latter-day Saints* (*Commonly Called Mormons*) (St. Louis: self-pub., 1839), 30–32.

32. See, for example, Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975). For an example of framing the Danites as a form of vigilante justice, see LeSueur, "The Danites Reconsidered"; for the Danites as a military group, see Baugh, "We Have a Company of Danites in These Times."

from the Declaration of Independence, emphasized the patriotic tradition they meant to invoke. The cause of the current conflict was found in the Saints being stripped of their American liberties, and so they believed it was within their right to follow the American example of resistance—even to the point of bloodshed.33

But the document did not merely reaffirm American constitutional principles in pursuit of vigilante justice. The Danite constitution also planted the seeds for political dissent—and even extralegal action—based on radical extensions of those religious and political ideals. Because "all power belongs Originally and legitimately to the people," the first article explained, the people "have a right to dispose of it as they Shall deem fit." This Lockean idea, which drew from natural rights discourse, implied the preeminence of social contracts. But now, in the Danite context, it was used to justify the creation of extralegal political bodies. "As it is inconvenient and impossible to convene the people in all cases"—that is, when democracy fails to efficiently bring about just conclusions—it is necessary to pass "the legislative powers . . . into the hands of a [new] representation." Power must be removed from the wicked and placed in the hands of the righteous.34

This idea was not completely new within the Latter-day Saint tradition. Indeed, the Church's motto back in March had heralded "Aristarchy," or government by the best men. In this case, the best men were those chosen by a godly society. Based on this true principle of representative authority, the Danites were then vindicated in their quest to form an extralegal body with power to mobilize. The Saints were inheritors of a long tradition in which the guarantor of natural rights was outside the limited confines of organized government, instead flowing from the populous bodies. This power justified both internal and external actions: internally, the Danite society could remove people who were classified as societal nuisances; externally, they could fight to preserve their rights against "Gentile" threats. Imperial anxieties always faced both directions.35

Americans were accustomed to appealing to higher laws and populous support to justify extralegal action, and many of these arguments concerned the expulsion of unwanted people. In 1824, President James Monroe proposed that "it would promote essentially the security and

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33. "Missouri v. Gates," 10.
34. "Missouri v. Gates," 10.
35. Motto, circa March 16 or 17, 1838, in Ashurst-McGee and others, *Documents, Volume 6*, 44–45.

happiness of the [Native] tribes within our limits if they could be prevailed upon to retire west and north of our States and Territories." The removal of Indigenous populations had been a staple for Anglo-American societies since the dawn of colonization, but it had become more pressing in the antebellum period as visions of westward expansion made the land even more desirable. When Andrew Jackson took office a few years later, the voluntary removal turned into forced expulsion. He justified the Cherokee Indian Removal Act by citing the "waves of population and civilization" that required western lands. This belief in populist vindication trumped even Supreme Court rulings.36

Simultaneously, the creation of the American Colonization Society, which featured many of the same elite white politicians who fought for Indian removal, formalized their call for the deportation of Blacks to Africa. At their founding meeting, one participant, a senator from Maryland, declared that the possibility for a mixed society was "closed for ever, by our habits and our feelings." Free Blacks and slaves would never fit within white culture and therefore had to be sent to a "distinct nation." Each initiative drew from what they believed to be natural rights granted to majority rule, consistent with America's founding ideals. Mainstream culture, it appeared, reserved the right to expel those who did not fit their image of the nation.37

Indeed, this particular rhetoric of natural rights had already been used in the Mormon-Missouri conflict prior to 1838. The same passage from the Declaration of Independence that was used in the Danite constitution—that their actions were justified in defense of "their lives, their fortunes, and their sacred honours"—had previously appeared in the writings by the Jackson County mob that evicted Saints out of their Independence settlement. "We agree to use such means as may be sufficient to remove [the Saints]," the manifesto stated, "and to that end we each pledge to each other our bodily powers, our lives, fortunes, and sacred honors." The Saints were seen as the minority threat to majority rule in Jackson County; five years later, dissenters were seen as the

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36. James Monroe, "Extinguishment of Indian Title to Lands in Georgia: Communicated to the House of Representatives, April 2, 1824," in *American State Papers: Indian Affairs,* 2 vols. (Washington D.C.: Gales and Seaton, 1832–1834), 2:460. Andrew Jackson, "State of the Union Address, December 6, 1830," in *The Cherokee Removal: A Brief History with Documents,* ed. Theda Perdue and Michael D. Green, 3d ed. (Boston: Bedford/St. Martin's, 2016), 120.

37. *First Annual Report of the American Society for Colonizing the Free People of Color of the United States* (Washington, D.C.: D. Rapine, 1818), 29–30.

minority threat to majority Latter-day Saint rule in Caldwell County. That members of the faith would come around to invoking the same rhetoric a half-decade after their own expulsion, mere months before yet another violent removal, highlights the ironies of frontier justice.38

The Danite constitution did not make clear how it fit into the larger political structure currently in place, either at state or federal levels. At most, its statement that the society was convened only because it was "inconvenient and impossible to convene the people in all cases" suggested the Danite institution was to be temporary in nature, a safeguard until existent judicial and political powers could once again be restored. At the very least, though, the Danite constitution did not appear to explicitly threaten the American government, or even the Missouri state, with replacement. For the time being, they were to work within already-present systems, albeit in radical ways. Yet that commitment became more tenuous in mid-July, when a second Danite society was organized in nearby Daviess County. While in Clay County they could claim the Danite militia acted as a county force under state control, the presence of another unit in Daviess, separate and distinct from the Daviess County militia, challenged the assumption of state cooperation.39

As expected, the weeks and months that followed the Danites' organization quickly descended into violence. A skirmish over voting rights in Daviess County grew into organized conflict, as both sides raised militias to protect what they believed were their rights. Smith and his followers insisted that they were merely professing their privileges as citizens to settle in free territory and exercise suffrage; their neighbors responded with complaints that the Church was breaking a deal to remain solely in Caldwell County. Neither group was willing to back down. Even after a majority of Daviess residents supported a committee's decision to remove all members of the faith, local Saints refused to give up ground

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38. "Appendix 2: Constitution of the Society of the Daughter of Zion, circa Late June 1838," Joseph Smith Papters, accessed February 9, 2021, https://www.josephsmithpapers .org/paper-summary/appendix-2-constitution-of-the-society-of-the-daughter-of-zion -circa-late-june-1838/1; "History, 1838–1856, Volume A-1 [23 December 1805–30 August 1834]," 349, Joseph Smith Papers, accessed January 22, 2021, https://www.josephsmith papers.org/paper-summary/history-1838-1856-volume-a-1-23-december-1805-30 -august-1834/355.

39. "Missouri v. Gates," 11. For the creation of a second militia, this time in Daviess County, see William Swartzell, *Mormonism Exposed: Being a Journal of a Residence in Missouri from the 28th of May to the 20th of August, 1838* (Pittsburgh: self-pub., 1840); Baugh, "We have a Company of Danites in These Times," 13–14.

and commenced their own raids on neighboring residents. Nearby communities raised vigilance committees in return, and Latter-day Saint leaders martialed their own defense, a process enabled by the new Danite network. Eventually, the fighting resulted in direct conflict at the Battle of Crooked River. As competing troops met during late October, nearly all involved were convinced their actions were justified by an American tradition of extralegal defense based on natural rights.

After reports of the battle arrived in the state capital, Lilburn Boggs, Missouri's governor, acted swiftly. His executive order declared that members of the Latter-day Saint faith "must be treated as enemies, and must be exterminated or driven from the State if necessary for the public peace." Importantly, his action also drew from the same political ideology that the Saints had used to justify the creation of the Danite organization: the preservation of peace and unity justified the removal of threats to democratic order. To those involved in the Danites, when democracy was under siege and there was no time to appeal for help through official channels, extralegal councils were needed to maintain stability, and Rigdon went so far as to threaten a war of extermination; to Boggs, suppressing extralegal threats to public peace took precedence over the dissenters' rights to remain on their property, which in turn justified an extermination order. In the words of both leaders, extermination was the radical solution to democratic unrest. Populist authority—whether at the local or state level—determined who could remain and who could be removed.[40]

Only one side, however, had the resources to follow through on the threat. Latter-day Saint communities were quickly surrounded and outnumbered in early November. Through a series of negotiations, some strained, Joseph Smith was eventually arrested and imprisoned along with a number of other Church leaders as they awaited trial for crimes including arson, burglary, treason, and murder. They were then held as ransom that winter as thousands of Saints were forced to leave their belongings and relocate outside the state. In the end, it was the members of the Latter-day Saint Church who gave in to majoritarian demands.

As seen in the Mormon-Missouri experience, not to mention the contemporary debates over African and Native populations, the politics

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40. Lilburn Boggs, executive order, October 27, 1838, later labeled as Executive Order #44, Mormon War Papers, 1837–1841, Missouri State Archives, Jefferson City, Missouri.

of Lockean liberties held negative as well as positive implications for societal belonging. The freedom to create self-governing societies ruled by majority opinion allowed citizens to not only construct communities after their own likeness and image but also remove those who failed to match those priorities. Imagining political rights in antebellum America was as much a practice of exclusion as it was of inclusion.

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These tensions did not disappear after the Saints left Missouri—at least not in the long term. When the Latter-day Saints first arrived in Illinois in 1839, where they soon established a new hub in Nauvoo, they were initially welcomed by state and political party officials. But as those relationships eroded over the next five years, Joseph Smith was once again forced to consider extralegal solutions to democratic problems. This time his actions were even more radical, which in turn raised questions concerning the Saints' belonging within the nation. At the heart of the debate was yet another new constitution.

In March 1844, following provocative information concerning new settlement options outside of Illinois, Smith once again organized a new council. There were many similarities between this new organization and its predecessor. Like the Danites, the council was a secret endeavor; like the Danites, while it had a long and cumbersome title—"The Kingdom of God and His Laws"—it was also known by a more colloquial name, in this case the "Council of Fifty"; like the Danites, participants concluded that existing democratic structures had failed them, which necessitated drastic action; like the Danites, they used the language of democracy and republicanism to claim that they were fulfilling the natural rights promised in America; and finally, like the Danites, the new council even wrote its own constitution.41

But there were significant differences between these two extralegal constitutions, which in turn represented the changes between 1838 and 1844. Unlike in Missouri, where the Saints wished to remain under state authority and merely hoped to buttress their own local rule, the Council of Fifty was designed to replace local, state, and even national

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41. Matthew J. Grow and others, eds., *Council of Fifty, Minutes, March 1844–January 1846,* Joseph Smith Papers (Salt Lake City: Church Historian's Press, 2016). See Benjamin E. Park, "Joseph Smith's Kingdom of God: The Council of Fifty and the Mormon Challenge to American Democracy," *Church History: Studies in Christianity and Culture* 87, no. 4 (December 2018): 1029–55.

government; by the time of their crisis in Illinois, the Saints had given up hope that America could be redeemed. And further, while the Danites' constitution positioned itself as an example of democratic control and secular governance based on natural laws, the Council of Fifty explicitly appealed to theocratic order as a solution to democracy's excesses. In other words, by 1844, Joseph Smith was willing, and even anxious, to declare America's democratic system a failure and replace it with God's law and righteous priestly government.42

Simultaneously, state authorities wrestled with the same question Lilburn Boggs had faced in 1838: At what point was the government justified in forcibly relocating a troublesome religion? At first, Thomas Ford, Illinois's governor, refused to step in, which eventually led to Smith's own death at the hands of a local mob. But after another year of violence followed the killing, Ford and other state authorities reconsidered the matter. Once again, at issue was the rights of a religious group to remain or be removed. In October 1845, a convention held in Carthage, the Hancock County seat, concluded that The Church of Jesus Christ of Latter-day Saints had to leave, as no community could exist near the Saints without being drawn into a collision with them. Though not going so far as Boggs as to sign an executive order demanding as much, Ford then urged the Saints to follow the convention's opinion, to which Brigham Young and other Church leaders begrudgingly agreed.43

The Church, once again, was found on the wrong side of political belonging. In trying to solidify the boundaries around their own community, they were expelled from the broader society. The Saints insisted on their right to remain—including the privilege to police their own community—but their neighbors trumpeted their right for forced removal. In the end, just like in cases of Indigenous removal and Black colonization, the will of the majority justified the relocation of the minority group.

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42. The broader story of the democratic crisis of Nauvoo is told in Benjamin E. Park, *Kingdom of Nauvoo: The Rise and Fall of a Religious Empire on the American Frontier* (New York: Liveright, 2020).

43. Carthage Committee, resolutions, "Manuscript History of the Anti-Mormon Disturbances in Illinois," circa 1845, Thomas C. Sharp and Allied Anti-Mormon Papers, Beineke Library, Yale University, New Haven, Conn. See also John Hardin, William Warren, Stephen A. Douglas, and James McDougall to the First President and High Council of the Church of Latter Day Saints, October 3, 1845, in Grow and others, *Council of Fifty, Minutes*, 488–90.

Americans today often highlight the triumph of democracy in secur-ing the inclusion of diverse populations and divergent perspectives. But such a tribute, long part of the national myth, overlooks the complicated trajectory of democratic rule, especially during the antebellum period. Rights for individuals and groups were often contested, and the right to merely remain on a particular piece of property was frequently up for debate. The story of Joseph Smith and his followers, especially during those tense months of summer and fall 1838, aptly demonstrates the paradoxes of democratic justice, especially on the frontier.

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