

THE *VOX POPULI* IS THE *VOX DEI*: AMERICAN LOCALISM AND THE MORMON
EXPULSION FROM JACKSON COUNTY, MISSOURI

by

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ABSTRACT

The *Vox Populi* Is the *Vox Dei*: American Localism and the Mormon Expulsion from
Jackson County, Missouri

by

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In 1833, enraged vigilantes expelled 1,200 Mormons from Jackson County, Missouri, setting a precedent for a later expulsion of Mormons from the state, changing the course of Mormon history, and enacting in microcosm a battle over the ultimate source of authority in America's early democratic society. The purpose of this study is two-fold: first, to reexamine the motives that induced Missourians to expel Mormons from Jackson County in 1833; and second, to explore how government authorities responded to that conflict. Past studies of the Mormon expulsion from Jackson County have argued that Mormon communalism collided with the Jacksonian individualism of Missouri residents, causing hostility and violence. However, in recent years, studies have questioned many of the conventional notions of law and governance in the antebellum era, in particular the argument that Jacksonian society was dominated by an individualistic, egalitarian, laissez-faire creed. Although Jacksonian America was a society in transition, communities continued to emphasize a tradition of localized self-government, communal regulation, and distrust of outside interference. Therefore, this

study explored how the local orientation of law, regulation, and government in antebellum Missouri contributed to the setting of violence and to the ways local, state, and federal authorities responded to the Mormon expulsion. An analysis of the Jackson County conflict through the lens of American localism reveals the extent to which Mormonism challenged customary notions of local sovereignty, authority, and control.

(126 pages)

PUBLIC ABSTRACT

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In 1833, enraged vigilantes expelled 1,200 Mormons from Jackson County, Missouri, setting a precedent for a later expulsion of Mormons from the state, changing the course of Mormon history, and enacting in microcosm a battle over the ultimate source of authority in America's early democratic society. This study will reexamine the motives that induced Missourians to expel Mormons from Jackson County and explore how government authorities responded to the conflict. Past studies contend that Mormon communalism collided with the Jacksonian individualism of Missouri residents, causing hostility and violence. However, recent studies have questioned many of the conventional notions of law and governance in the antebellum era, particularly that Jacksonian society was dominated by an individualistic, egalitarian, laissez-faire creed. Although Jacksonian America was a society in transition, communities continued to emphasize a tradition of localized self-government, communal regulation and distrust of outside interference. Therefore, this study will explore how the local orientation of antebellum governance and regulation contributed to the setting of violence in Jackson County and to the ways government officials responded to the crisis. An analysis of the conflict through the lens of American localism reveals the extent to which Mormonism challenged customary notions of local sovereignty and helps clarify the relationship between state and local government during the antebellum era.

Matthew Lund

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CHAPTER I

INTRODUCTION

From its founding, Mormonism aroused intense opposition. Individual hostility directed at Joseph Smith, the religion's prophet founder, eventually gave way to collective violence against the entire Mormon community. Conflict intensified in proportion to swelling Mormon ranks. Progressively, the source of the violence directed at Mormonism first involved individuals, next entire communities, then the power of states and eventually the whole nation. Indeed, according to historian Gordon Wood, "Mormonism was undeniably the most original and persecuted religion of this period or of any period of American history."¹ In recounting their persecuted past, Mormons tend to view the Missouri period from 1831-1839 as the darkest era in their church's history. In the summer of 1831, just a year after Joseph Smith officially organized the restored Church of Christ, the Mormon prophet declared Jackson County, Missouri as the central gathering place for the Saints to build the city of Zion in preparation for Christ's millennial reign. Within a few years, Mormon settlers in Jackson County numbered over one thousand. The rapid influx of Mormons to the area, combined with their unorthodox theology, religious practices, and publicized declarations of divine entitlement to Missouri lands provoked the animosity of the local citizenry.

Hostilities erupted on 20 July 1833 when a large band of citizens confronted Mormon leaders in Independence demanding all Mormons leave the county. When church leaders refused, Missourians resorted to violence. The vigilante crowd ransacked

¹ Gordon S. Wood, "Evangelical America and Early Mormonism," *New York History* 61 (October 1980): 380.

the home and destroyed the printing press of Mormon editor W.W. Phelps. A similar fate awaited the church-owned store before its owner pledged to cease operation. Before the Missourians dispersed, two Mormon leaders were publicly tarred and feathered. Three days later, armed citizens again rushed into Independence, threatening Mormons and destroying homes and crops. Seeking to prevent further violence, local Mormon leaders, under duress, signed a document agreeing to leave Jackson County by the following spring.

Two months later, enraged by the Mormon decision to stay in Jackson County and defend their rights, the Missourians attacked Mormon settlements, whipped and beat Mormon men and destroyed homes and property. Mormons retaliated to Missourian violence with violence. The conflict reached a climax on 4 November 1833, when a battle broke out between Mormon defenders and Jackson County vigilantes, resulting in deaths on both sides. After local militia intervened, Mormons relinquished their arms and agreed to leave the county within ten days. Fleeing their homes, Mormons took refuge in temporary shelters along the Missouri River in the midst of winter. After four months of conflict, Missouri vigilantes drove more than one thousand Mormons from the county and burned over two hundred homes. For more than a decade Mormons sought redress, first through local courts and the governor, and then through the federal government, but to no avail. In examining the conflict in Jackson County this study will endeavor to illuminate the thinking behind the violence rather than seeking to justify either the Mormons or Missourians.

Past studies have emphasized the dissimilarities in respective value-orientations between Mormons and the rest of American society to explain hostility and violence

toward the new faith.

In his study of the conflict in Jackson County, Missouri state historian Warren Jennings maintains that Missourians brought with them a devotion to a Southern liberal individualism while the Mormons swarmed into the state with a puritan-minded culture emphasizing communal or corporate solidarity. For Jennings, this dissimilarity in value-orientations lay at the core of Missourian opposition to the Mormons.² In *Mormonism and the American Experience*, Klaus Hansen follows suit, concluding that “the individualistic, competitive values of the Missourians were clearly incompatible with those of the Saints.”³ Kenneth Winn’s *Exiles in a Land of Liberty* contends Mormonism offered a different interpretation of American republicanism in answer to the social, economic, and religious fragmentation of the Jacksonian era. Seeing Mormonism as more of a political movement, Winn argues that Mormon communal republicanism conflicted with Missourian liberal republicanism.⁴ In his history of social violence in America, Paul Gilje contends that Mormons posed a threat to “frontier cultural values,” which in Missouri emphasized individualism, slavery and an irreligious lifestyle.⁵ Thus, Jennings, Hansen, Winn, and Gilje contend that Mormon communalism collided with

² Warren Jennings, “The City in the Garden: Social Conflict in Jackson County, Missouri,” in *The Restoration Movement: Essays in Mormon History*, ed. F. Mark McKiernan, Alma R. Blair, and Paul M. Edwards (Lawrence, Kansas: Coronado Press, 1973). Jennings argues that if the Mormons had become politically dominant in Jackson County their “moralistic” communal culture would have replaced the individualistic culture brought to Missouri by the original settlers (Ibid., 108-109). See also Warren Jennings “Zion Is Fled: The Expulsion of the Mormons from Jackson County, Missouri.” Ph. D. diss., University of Florida, 1962. Patricia Zahniser also considers this an important factor in the Mormon-Missourian conflict. According to Zahniser “when the Saints made their move to Missouri in 1831, the old settlers were building a community based upon Jacksonian individualism.” Patricia A. Zahniser, “Violence in Missouri, 1831-1839: The Case of the Mormon Persecution.” (Master’s thesis. Florida Atlantic University, 1973), 80.

³ Klaus Hansen, *Mormonism and the American Experience*, (Chicago: The University of Chicago Press, 1981), 136.

⁴ Kenneth Winn, *Exiles in a Land of Liberty: Mormons in America, 1830-1846* (Chapel Hill: The University of North Carolina Press, 1989), 39-53.

⁵ Paul Gilje, *Rioting in America* (Indianapolis: Indiana University Press, 1996), 77-78.

Jacksonian individualism, causing hostility and conflict.⁶ As a radical countercultural movement, Mormonism clashed with a society they perceived as degenerate, fragmented and in need of reformation. However, by overemphasizing the cultural differences and partially misunderstanding and exaggerating Missourians individualism, historians tend to erect artificial dichotomies to explain Mormon conflict with their gentile neighbors.

This interpretive model is particularly ineffectual in explaining the Mormon expulsion from Jackson County, Missouri, where the new faith was in its infancy. With a religious and cultural identity still unfolding, converts were learning to “be” Mormon. In contextualizing the new faith, one historian explained:

[Mormonism] defied as no other religion did both the orthodox culture and evangelical counter-culture.⁷ Yet at the same time it drew heavily on both these cultures...Mormonism was both mystical and secular, restorationist and progressive, communitarian and individualist, hierarchical and congregational, authoritarian and democratic...anti-clerical and priestly; revelatory and empirical; utopian and practical; ecumenical and nationalist.⁸

Naturally, historians focus on Mormonism’s divergent beliefs, cultural views and lifestyle to explain causes of conflict with American society. However, as indicated above, Mormonism also drew heavily from the very cultures some historians argue they defied. While cultural dissimilarities no doubt played a key role in hostility and violence between Mormons and Missourians, so paradoxically, did their similarities.

⁶ Another work employing a cultural approach to violence between Mormons and Non-Mormons is John E. Hallwas and Roger D. Launius’ edited work entitled *Cultures in Conflict; A Documentary History of the Mormon War in Illinois*. The authors approach Mormon Non-Mormon conflict by considering the ideals, values, and motives of each side. The documents, they concluded, demonstrate that conflict in Illinois was “not a matter of religious persecution” but rather “was essentially an ideological struggle between two cultures.” John Hallwas and Roger D. Launius, eds., *Cultures in Conflict: A Documentary History of the Mormon War in Illinois* (Logan, Utah: Utah State University Press, 1995), 4.

⁷ The author, Gordon Woods, subsequently defines his terms of orthodox and evangelical counter-culture when applying both terms to Mormonism. Mormonism drew from the orthodox culture, which the author defines as mystical, restorationist, communitarian, hierarchical, authoritarian, priestly, revelatory, utopian and nationalist. Woods identifies the evangelical counter-culture as secular, progressive, individualist, congregational, democratic, anti-clerical, empirical, practical, and ecumenical.

⁸ Wood, “Evangelical America and Early Mormonism,” 379-380.

Mormons and Missourians grew up in an antebellum society that stressed local autonomy and control. American localism was marked by communal regulation and a distrust of outside intrusion or interference by centralized authority. Self-government was conceived of as the collective right of a people to govern and regulate their local community interests. With a lack of tolerance towards nonconformity and social deviance, individuals were expected to conform to local rules and expectations.⁹ Private rights were often subordinated to the perceived welfare of the public, even if that meant bypassing constituted law, authorities and due process. Thus, power diffused and flowed from the bottom up as nineteenth century American governance remained decidedly local.¹⁰ This was particularly true of frontier society and the South.

Willard Hurst, a leading historian of nineteenth-century law, argued that “localism” became ingrained in American life during the nineteenth century, in part as “a natural accommodation to a frontier country of great distances and poor communications.”¹¹ In his study on vigilantism, Richard Maxwell Brown maintained that in a “sparsely settled country with poor communications and people of small means,

⁹ William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: The University of North Carolina Press, 1996), 8-13, 169, 237-244. See also Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 39-40. Describing early antebellum society, Daniel Howe writes: “They usually lived in communities with others of their own backgrounds...Within the small communities, consensus appeared more often than divisions of opinion. Local pressures to conformity of opinion were substantial. Ordinary people usually regarded outsiders with suspicion, especially those with pretensions to elite status.” Howe, *What Hath God Wrought*, 40.

¹⁰ Novak, *The People's Welfare*, 8-13. Localism also dominated the religious scene in the early republic. In his study of the democratization of American Christianity, Nathan Hatch contends that “assertive common people wanted their [religious] leaders unpretentious, their doctrines self-evident and down-to-earth, their music lively and singable, and their churches in local hands.” Hatch maintains “the fundamental religious debates in the early republic were not merely a clash of intellectual and theological differences but also a passionate social struggle with power and authority.” Nathan O. Hatch, *The Democratization of American Christianity* (New Haven: Yale University Press, 1989), 9-10.

¹¹ James Willard Hurst, *The Growth of American Law: The Law Makers* (Boston: Little Brown and Company, 1950), 39, 90-93.

men naturally sought to bring the administration of justice closer to home.”¹² This was particularly true in the South. In his study of anti-Mormon violence in the postbellum South, Patrick Mason writes:

Rather than seeking to be free of communal norms, they [Southerners] asserted their right to live according to their own shared values as opposed to outsiders imposing foreign values onto their...society. Freedom was to be exercised within communally approved boundaries – to go outside those boundaries threatened social order.¹³

Slavery in southern states further “localized” political power and authority. In the South there existed a fear that outside, centralized government would interfere with slavery and Southern ways more generally. To the white Southerner, liberty was tied inextricably to the preservation of slavery. Therefore, Southerners advocated state and local sovereignty in order to protect their political and social interests from federal intrusion.¹⁴ It was this tradition of localized self-government, communal regulation and distrust of outside interference that Missourian settlers brought with them from the Upper South; a tradition whose “anti-despotic thrust is often mistaken for [that] liberal individualism” some historians have based their assumptions on.¹⁵

It was this faulty context of “liberal individualism” in which Klaus Hansen placed his study when he maintained that Mormonism clashed “with an egalitarian, individualistic, laissez-faire Jacksonian creed.”¹⁶ This outmoded interpretation of early

¹² Richard Maxwell Brown, *Strain of Violence* (New York: Oxford University Press, 1975), 153.

¹³ Patrick Mason, *The Mormon Menace: Violence and Anti-Mormonism in the Postbellum South* (New York: Oxford University Press, 2011), 97.

¹⁴ William J. Cooper, Jr., *Liberty and Slavery: Southern Politics to 1860* (New York: Alfred A. Knopf, 1983), 179. Cooper argued, “...this cherished liberty depended upon the southern whites retaining unqualified dominion over their peculiar institution. Their losing control of slavery would signal that an outside force directed the local affairs as well as the destiny of the white Southerners would be shackled by someone else just as they shackled their own slaves. Free men would fall into slavery,” 179-180.

¹⁵ Novak, *The People's Welfare*, 10.

¹⁶ Hansen, *Mormonism and the American Experience*, 63.

American society has served as context for past studies of the conflict in Jackson County. Sixty years ago, as this view unfolded, legal theorist Alexander H. Pekelis argued that his contemporaries had incorrectly identified “individualism with intolerance of a central authority.” “As a matter of fact,” he continued, what some called “individualism seems to be in reality collectivism within a smaller group.” He further observed that “what is typical for...American way of life is not the lack of social control but its decentralized character,” and concluded that “the use of the term individualism greatly beclouds the issue.”¹⁷ Patrick Mason agrees with Pekelis, warning that “Southerners’ strong preference for localism over federal control should not be mistaken for radical individualism or libertarianism.”¹⁸ In sum, localism with its attendant corporate self-government and distrust of centralized authority had mistakenly been confused with individualism and hostility to all authority.¹⁹ More recent studies support Pekelis’ argument by questioning many of the conventional notions of law, governance, and social interaction in the antebellum era; in particular that Jacksonian society was dominated by

¹⁷ Alexander H. Pekelis, *Law and Social Action: Selected Essays* (Ithaca, N.Y: Cornell University Press, 1950), 67.

¹⁸ Mason, *The Mormon Menace*, 97-98.

¹⁹ Historian Barry Shain has explored the origin of the word *individualism* and its application to American society. He contends that Tocqueville and Chevalier, two Frenchmen travelling throughout America in the 1830s, each independently used the recently coined French word, *individualisme*, to describe 19th century America. Tocqueville wrote that “individualism is a mature and calm feeling, which disposes each member of the community to sever himself from the mass of his fellows and to draw apart with his family and his friends...[leaving national] society at large to itself.” Shain queries, “Is he not in fact describing familism or localism rather than individualism?” Barry Alan Shain, *The Myth of American Individualism: The Protestant Origins of American Political Thought* (Princeton, NJ: Princeton University Press, 1994), 92-93.

an individualistic, laissez-faire way of living.²⁰

It is important, however, to understand the complexity of the social and political climate during this era. Localism, with its concomitant public rights and majoritarian interests, represented the dominant current that prevailed in the United States through the mid-1800s, particularly in the South and in frontier rural communities. Private or vested rights of individuals represented an ascendant counterweight to the collective rights of a community. Similar tension existed between states' rights and federal authority, as well as popular sovereignty and judicial supremacy. Moreover, biblical injunctions, common and constitutional law and appeals to the laws of nature added to the dynamics of contested authority in the early republic.

Furthermore, while Missourians and Mormons embraced the notion of local control and sovereignty, that is not to say, they did not recognize the legitimacy of state and federal authority or solicit their aid and assistance. During the antebellum era, it was normative for a local community to seek assistance from state and federal governments. What was debated was the extent and type of assistance given.²¹ In his book about the role of the federal government during the nineteenth century, Brian Balogh maintains:

Where no intermediate institutions stood between citizen and national government, Americans consistently advocated *energetic* [federal] governance when it came to trade, security, and economic development. Where local and

²⁰ See Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (New York: Cambridge University Press, 2009); William J. Cooper, Jr., *Liberty and Slavery: Southern Politics to 1860* (New York: Alfred A. Knopf, 1983); Nathan O. Hatch, *The Democratization of American Christianity* (New Haven: Yale University press, 1989); Donald S. Lutz, *Popular Consent and Popular Control: Whig Political Theory in the Early State Constitutions* (Baton Rouge: Louisiana State University press, 1980); William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: The University of North Carolina Press, 1996); Barry Shain, *The Myth of American Individualism: The Protestant Origins of American Political Thought* (Princeton, New Jersey: Princeton University Press, 1994).

²¹ See for example Perry McCandless, *A History of Missouri: 1820-1860* (Columbia: University of Missouri Press, 1972), 24-28. See also Brian Balogh, *A Government Out of Sight*.

state government was up to the task, or where voluntary and private groups might fulfill public purposes, Americans preferred that the national government *enable rather than command*.²²

It is important to this study that a distrust of outside interference by centralized authority not be confused with absolute aversion to any and all assistance, support or involvement by state and federal governments in the affairs of local communities. That was not the case.

There is danger in simply placing either the Mormons or the Missourians in Jackson County in neatly defined, yet narrow categorizations. To argue for example that the Mormons were simply localists, distrustful of centralized authority, is to oversimplify and mislabel a people and a religious movement that has complexity and paradox. As stated above, historian Gordon Wood declared Mormonism drew from opposing cultural traditions. Hence Mormonism was hierarchal and congregational, authoritarian and democratic, and so forth. In this vein, while strongly influenced by the local orientation of antebellum governance and regulation, Mormons still recognized and supported a proper sphere of centralized power and authority.

A few examples will illustrate this point. On the one hand Mormons demonstrated their support for and reliance upon federal authority when they petitioned the U.S. government for redress following their expulsion from Jackson County in 1833 and again after they were expelled from the state five years later. Moreover, Joseph Smith's candidacy for the U.S. presidency in 1844 and his political platform calling for a stronger federal government clearly showed he supported centralized federal power. However, one must keep in mind that Smith's political views in 1844 were deeply

²² Brian Balogh, *A Government Out of Sight*, 3-5. Emphasis added.

affected and influenced by the Mormon experience in Missouri the preceding decade.²³ Hence, his views and theology concerning law, government and the U.S. Constitution unfolded along with the crisis in Jackson County and the later Mormon expulsion from the state of Missouri.

Conversely, the Nauvoo City charter exemplified Mormon desire for local control and autonomy. The city charter, granted in 1840 after their violent expulsion from the state of Missouri, permitted Joseph Smith and his people “to erect a virtual city-state,” according to one historian.²⁴ The charter granted the Nauvoo City Council “authority to pass any laws not repugnant to the Constitution of the United States or the constitution of Illinois.” This provision in the Nauvoo City charter “exempted the city fathers from the necessity of adhering to state laws in enacting ordinances, thereby making the Mormon capital truly a state within a state.”²⁵ Moreover, provisions relating to the local courts, the Nauvoo City University, and militia further ensured “near-autonomous control over city affairs” by the Nauvoo City Council.²⁶ Similarly, once Mormons reached the Great Basin in the West, they worked to build a theocratic kingdom, while itself centralized, nevertheless sought political and economic autonomy from the federal government. Strong Latter-day Saint localism in Utah resulted in repeated showdowns with federal law and authorities.

This tension among competing notions of rights, law, and authority provided the setting in which the conflict in Jackson County took place. The purpose of this study is

²³ Richard Bushman, *Joseph Smith: Rough Stone Rolling* (New York: Alfred A. Knopf, 2006), 226.

²⁴ James L. Kimball, Jr., “The Nauvoo Charter: A Reinterpretation,” in *Kingdom on the Mississippi Revisited: Nauvoo in Mormon History*, eds. Roger D. Launius and John E. Hallwas (Urbana: University of Illinois Press, 1996), 39.

²⁵ *Ibid.*

²⁶ *Ibid.*, 43.

to reexamine the Mormon-Missouri conflict in Jackson County through the lens of American localism. The local orientation of antebellum governance and regulation contributed to the setting of conflict in Jackson County and to the ways in which local, state and federal authorities responded to the Mormon expulsion.

The first chapter of this study will explore the origins and causes of conflict between Mormons and Missourians in Jackson County. Both communities shared traditional views of popular self-government which emphasized local autonomy and control. This cultural tradition of localism influenced the way Mormons and Missourians perceived and treated the other. Chapter two examines how Missourians acted extra-legally to preserve their social dominance and reinforce their right to local self-government, which the large Mormon influx together with their revelatory claims seemed to threaten. In order to legitimize their violent actions, Jackson County citizens organized a vigilance committee, appropriated the law, its procedures and personnel and characterized the Mormon community as a morally alienated public nuisance. The chapter concludes by showing how the conflict, in part, represented a collision between the sovereignty of God's revelation, as the Latter-day Saints acted them out, and the local sovereignty of the Missourians. The final chapter outlines the Mormon expulsion from Jackson County and traces Mormon efforts to seek redress from the local courts, Governor Daniel Dunklin and President Andrew Jackson. Ultimately, the Mormons were expelled from Jackson County, not so much for a lack of law and order on the frontier, but rather because the culture and climate in Missouri enabled the local citizenry to regulate their community interests without the state effectively interfering. The study concludes by showing how popular sentiment and local majoritarian rule triumphed in the

state of Missouri.

CHAPTER II

A SOCIETY OF LIKE-MINDED MEN

Both Missourians and Mormons laid claim to Jackson County – the former as the original settlers and the latter by aspiration and divine decree. Therefore, as advocates of radical popular sovereignty, both groups felt local society should reflect their own community’s will and morality. Those they labeled social deviants were expected to conform or settle elsewhere. For both groups, freedom to govern and regulate their own community was possible only within a society of like-minded men. Viewing separation as the only solution, Missouri vigilantes and even some Mormons threatened expulsion of each other through violent means.¹

A Cultural Tradition of Local Self-rule

In the early 1840s, a young historian named Mellen Chamberlain sought out Levi Preston, one of last surviving participants in the Battle of Concord. Chamberlain asked Preston why he had volunteered to fight the British. “Were you oppressed by the Stamp Act?” Chamberlain queried. “I never saw any stamps, and I always understood that none were ever sold,” Preston responded. “Well what about the tea tax?” Chamberlain asked. “Tea tax, I never drank a drop of the stuff, the boys threw it all overboard.” “But I suppose you [had] been reading Harrington, Sidney and Locke about the eternal principle of liberty?” Preston replied, “I never heard of these men.” Baffled, Chamberlain then asked, “Well, then what was the matter?” “Young man,” Preston answered, “What we meant in going for those Redcoats was this: we always had governed ourselves and we

¹ See Jennet Kirkpatrick, *Uncivil Disobedience: Studies in Violence and Democratic Politics* (Princeton, New Jersey: Princeton University Press, 2008), 40. One of Kirkpatrick’s distinctive contributions to the field of social disorder is her persuasive conclusion that vigilante violence did not so much reflect disdain for procedure in and of itself, but rather opposition to legal procedures that “obfuscated the will of the people or made the will of the people untenable because they gave voice to dissent and difference.” Kirkpatrick, *Uncivil Disobedience*, 60. See also Barry Alan Shain, *The Myth of American Individualism: The Protestant Origins of American Political Thought* (Princeton, N.J.: Princeton University Press, 1994), 48, 59.

always meant to. They didn't mean we should.”²

For soldiers like Captain Levi Preston, the Revolution was fought to preserve their right to local self-rule. In the early republic, citizens of the several states continued their colonial “preference for strong local self-government.” Such popularly controlled institutions like juries, town councils, and militias “offered a bulwark against centralized, distant power. It ensured that citizens maintained a direct stake in their governance.”³ This tradition of popular self-government, which emphasized local control, shaped, in part, the way both Missourians and Mormons perceived and treated the other.

In describing the steps that lead to violence, one scholar wrote that “violence is not only what we do to the Other. It is prior to that. Violence is the very construction of the Other.”⁴ The Mormon construction of Missourian otherness began when they first arrived in the state. In the summer of 1831, Joseph Smith, along with other Mormon elders, arrived in Jackson County, Missouri. After viewing the country and prayerfully seeking direction, Smith received a revelation wherein God “manifested himself unto me, and designated to me and others, the very spot upon which he designed to commence the work of gathering, and the upbuilding of an holy city, which should be called Zion.”⁵

Reflecting on the state of society in Jackson County at the time, Smith wrote:

² Captain Levi Preston, interviewed by Mellen Chamberlain, ca. 1843, quoted in David Hackett Fischer, *Paul Revere's Ride* (Oxford: Oxford University Press, 1995), 163-64.

³ Brian Balogh, *A Government Out of Sight* (New York: Cambridge University Press, 2009), 31. Balogh contends in his study of nineteenth century national government that “Americans were more amendable to energetic government at the local and state levels.” He further argues that the “well documented” story of local regulatory laws and measures in the nineteenth century “illustrate just how pervasive (and invasive) local government could be.” *Ibid.*, 7. See also William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: The University of North Carolina Press, 1996).

⁴ Regina M. Schwarz, *The Curse of Cain: The Violent Legacy of Monotheism* (Chicago: University of Chicago Press, 1997), 5.

⁵ *The Latter-day Saints' Messenger and Advocate*, 1 (September 1835): 179.

Our reflections were many, coming as we had from a highly cultivated state of society in the east, and standing now upon the confines or western limits of the United States, and looking into the vast wilderness of those that sat in darkness; how natural it was to observe the degradation, leanness of intellect, ferocity, and jealousy of a people that were nearly a century behind the times, and to feel for those who roamed about without the benefit of civilization, refinement, or religion.⁶

From their first encounter with the Missourians the Mormons set themselves apart.

Within months of Smith's revelation Mormon settlers began making preparations to gather to Jackson County in obedience to the commandment of God spoken through their prophet. Mormon settlers moved into a society that at the time was "homogeneous and simple," according to Jackson County resident Alexander Majors.⁷ Named after the famed military hero and future president, Jackson County was organized in 1826, five years after statehood. The original settlers to the county came principally from Virginia, North Carolina, Tennessee, and Kentucky.⁸ By 1830, Jackson County residents numbered about 2,600 in addition to their 193 slaves. The Mormon influx to the state reflected the boom in Missouri's population during the 1830s, which grew from 140,455 to 383,702. As new settlers arrived, Missourians methodically divided their land into numerous counties. Missouri needed less than fifty years after statehood to divide 69,686 square miles into 114 counties – only three states had more.⁹ In considering why Missourians divided their state into so many counties, one state historian cited the Missouri tradition "that every person should be within a day's horseback ride of his

⁶ Joseph Smith, *History of the Church of Jesus Christ of Latter-Day Saints*, ed. B.H. Roberts, 2nd ed., rev. (Salt lake City: Deseret News Press, 1948-1951), 1:189.

⁷ Alexander Majors, *Seventy Years on the Frontier* (Columbus, Ohio: Long's College Book Co., 1950), 28. Majors lived in Jackson County at the time of the Mormon expulsion. His father, Benjamin Majors, was a captain in the county militia and participated in the conflict against the Mormons.

⁸ Majors, *Seventy Years on the Frontier*, 55. See also Perry McCandless, *A History of Missouri, 1820-1860* (Columbia: University of Missouri Press, 1972), 37.

⁹ Marian M. Ohman, "Missouri County Organization, 1812-1876," *Missouri Historical Review* 76 (April 1982):279.

county seat...This suggests,” she concludes, “the priority of local control and numerous political opportunities.”¹⁰ Missouri state officials left much of the local decision-making to settlers. Such a trend was a carryover from Missouri’s territorial days, when full responsibility for internal improvements, education, poor relief, and community policing fell to local authorities.¹¹ Thus, when Mormon settlers began pouring into Jackson County in the summer and fall of 1831 they met a locally-minded people who, as the first settlers of western Missouri, felt they had prior rights under “natural law” in organizing and governing the region.¹²

A revelation from Joseph Smith prophesied “that the righteous shall be gathered out from among all nations, and shall come to Zion, singing with songs of everlasting joy.”¹³ Although Smith’s revelations counseled the saints not to “gather in haste, lest there be confusion,” entire bodies of Mormon congregations moved to Jackson County. Shortly after Smith’s first visit to Missouri, he recorded the revelatory counsel that the gathering begin with “the rich and the learned, the wise and the noble;...then shall the poor, the lame, and the blind, and the deaf, come in unto the marriage of the Lamb...”¹⁴ However, “this regulation was not attended to,” Mormon John Corrill wrote, “for the

¹⁰ Ibid. Commenting on the unequaled local control exercised by towns and congregations in America, a British official, after a fourteen-month visit to the United States in 1807, observed that “whether Anglican or separatist, we [the English] have a notion of Church and nation. In the American states, even Anglicans speak only of village and congregation.” Samuel Benninger, cited in Gregory H. Singleton, “Protestant Voluntary Organizations and the Shaping of Victorian America.” *American Quarterly* 27 (December 1975): 549-60.

¹¹ William E. Foley, *A History of Missouri: Volume 1, 1673-1820* (Columbia: University of Missouri Press, 1971), 191-206.

¹² See *Missouri Argus*, 29 July 1836. “O” used this point to defend the anti-Mormon activities of Samuel Owens. According to Mormon settler John Patten, when Missourians asked him to leave the county, they stated “that they were the first settlers” and therefore “would not suffer the Church to settle in the County.” Affidavit of John Patten, 28 October 1839, Box 2, Fd 7, Mormon Affidavits & Petitions relating to the Missouri Persecutions, Special Collections & Archives, Merrill-Cazier Library, USU, Logan Utah. Hereafter cited as MAP/MCL.

¹³ “A Prophecy Given To the Church of Christ,” *The Evening and Morning Star*, June 1832.

¹⁴ Smith, *HC*, 1:191-192.

church got crazy to go up to Zion, as it was then called. The rich were afraid to send up their money to purchase lands, and the poor crowded up in numbers, without having any places provided, contrary to the advice of the bishop and others...¹⁵ Trusting they were the chosen people of God, the more destitute Mormons rushed to Zion expecting to receive the blessings of the Lord. The land of Zion was their “inheritance” and, according to one revelation, the Lord promised to “consecrate the riches of the Gentiles, unto my people which are of the house of Israel.”¹⁶ Within two years of settlement, Mormons numbered 1,200 – which constituted one third of the county population.

According to Jackson County resident John McCoy, Mormon settlers were at first “regarded as harmless fanatics.”¹⁷ However, as Mormon settlers increased, so did Missourian fear and apprehension.¹⁸ Missouri citizens complained that “little more than two years ago, some two or three of these people made their appearance on the Upper Missouri, and they now number some twelve hundred souls in this county; and each successive autumn and spring pours forth its swarms among us.”¹⁹ Emily Austin, a Mormon convert, wrote, “On several occasions we received intelligence that the inhabitants of Jackson county were displeased at the idea of so many coming into the county. They said the range for their county would be taken by the Mormon cattle, and

¹⁵ John Corrill, *A Brief History of the Church of Christ of Latter Day Saints* (St. Louis, 1839), 19. Following the Mormon expulsion from Jackson County a revelation to Smith put the blame on the covetous desires of the Saints: “Behold, I say unto you, there were jarrings, and contentions, and envying, and strifes, and lustful and covetous desires among them; therefore by these things they polluted their inheritances.” Smith, *HC*, 1:458.

¹⁶ “Revelations,” *The Evening and Morning Star*, July 1832.

¹⁷ *Kansas City Journal*, January 18, 1885

¹⁸ In a memorial to the Missouri Legislature, the Mormons maintained that “soon after the settlement began, persecution began, and as the society increased persecution also increased.” John P. Greene, *Facts Relative to the Expulsion of the Mormons, or Latter Day Saints from the State of Mo., under “Exterminating Order”* (Cincinnati: R.P. Brooks, 1839), 10.

¹⁹ In Smith, *HC*, 1:369.

the ‘shuck’ devoured by Mormon pigs.”²⁰ Austin did not clarify whether Missourians made their complaints in reference to actual Mormon livestock or to the Mormon people themselves. Regardless, Mormon otherness eventually reached the point of association with a people the Missourians viewed as racially inferior: “Each successive spring and autumn pours forth its swarms among them with a gradual falling off in the character of those who compose them, until they have now nearly reached the low condition of the black population.”²¹

The flood of Mormon settlers concerned local Missourians for two reasons. First, a growing body of Mormons seemed a threat economically, particularly to land speculators and squatters. Mormon resident Ezra Booth wrote:

It is conjectured by the inhabitants of Jackson county, that the Mormonites, as a body are wealthy, and many of them entertain fears that next December, when the list of lands is exposed for sale, they [the Mormons] will out-bid others, and establish themselves as the most powerful body in the county.²²

Second, the Missourians feared a Mormon majority would threaten their political power. Josiah Gregg argued: “The people now began to perceive, that, at the rate the intruders were increasing, they would soon be able to command a majority of the county, and consequently the entire control of affairs would fall into their hands.”²³ Thus, to many Missourians, the invasion of Mormon settlers represented a hostile takeover.

Missourian fears seemed substantiated by the contents of the *Evening and Morning Star*. To what extent non-Mormon residents read the newspaper is unknown.

²⁰ Emily Austin, *Life Among the Mormons* (Madison, Wisconsin: M.J. Cantwell, 1882), 68.

²¹ “Regulating the Mormonites,” *Daily Missouri Republican*, St. Louis, 9 August 1833. Davis Bitton and Gary Bunker have studied periodical illustrations that associate Mormonism with undesirable ethnic groups. They found that “the specific groups most frequently linked to Mormons in prints” were “Irish, Catholics, blacks, Chinese, [and] native Americans.” Gary Bunker and Davis Bitton, *The Mormon Graphic Image, 1834-1914* (Salt Lake City: University of Utah Press, 1983), 77.

²² E.D. Howe, *Mormonism Unveiled* (Painsville, Ohio: Printed and published by the Author), 195.

²³ Josiah Gregg, *Commerce of the Prairies* (Philadelphia: J.W. Moore, 1851), 315-319.

However, with no other press within 120 miles, the local non-Mormon residents either read the *Star* or went without. The *Star* not only published revelations commanding the saints to gather to Zion but also gave instruction on how to do so. In addition, articles informed readers about the numbers of Mormons planning to migrate to Jackson County. An article in the July 1832 issue advised readers that “churches of fifty or a hundred souls each, are coming to the land of Zion from different parts of the nation.”²⁴ Another issue announced that “many branches of this church...in Missouri, Illinois, Indiana, Ohio, Virginia, Pennsylvania, New York, Vermont, New Hampshire, Massachusetts, Maine and Canada...will come up this season” to Zion.²⁵ Mormons not only anticipated converts from the states to gather to Jackson County but, according to one article, the gospel “is to be preached to every nation on the globe so that some may be gathered out of every kindred, tongue and people, and be brought to Zion.”²⁶ Thus, the gathering entailed not only those in the states but foreigners out of every county. It must have been especially disconcerting for non-Mormons to read in July 1833 that despite the twelve hundred Mormons then living in Jackson County, the “gathering has continued *slowly*.”²⁷

Conformity of the “Other”

Compounding the rapid Mormon influx to Jackson County was the Mormon apartness from the rest of the community. From the outset, Mormon settlers worked to establish their own separate community – their religious Zion. Hence they constituted a community within a community. Guidebooks of the era, written for the general public,

²⁴ “The Elders in the Land of Zion To the Church of Christ Scattered Abroad,” *The Evening and Morning Star*, July 1832.

²⁵ “Prospects of the Church,” *Evening and Morning Star*, March 1833.

²⁶ “Autumn,” *The Evening and Morning Star*, November 1832.

²⁷ “The Elders Stationed in Zion To the Churches Abroad, in Love, Greeting,” *The Evening and Morning Star*, July 1833. (Emphasis Added)

warned new settlers “to mingle freely and familiarly with neighbors, and above all to pretend no superiority, if they wished to be accepted.”²⁸ Mormons settlers, however, did not seem concerned about Missourian acceptance. They certainly did not mingle freely and familiarly with their non-Mormon neighbors. This concerned Missourians, who “at first kindly received” the Mormons. Although viewed by their new neighbors as religious fanatics, citizens such as Josiah Gregg believed they were “very susceptible of being *moulded* into good and honest citizens.”²⁹ This last statement reflects the sentiment shared by Americans during the early American republic. Individuals were at liberty to settle in a community as long as they were willing to abide by and conform to certain local expectations and standards of behavior. As Historian Edward Pessen contends, “this challenges the stereotypical notion of an inner-directed American, marching to his own music, living his life according to his own and his family’s notions as to how it should be lived.” According to Pessen, “Observers during the Jacksonian era saw a very different American, indeed. The American was a conformist, in the opinion of foreigner and native, to the sympathetic as to the jaundiced.”³⁰

The Mormons and Missourians alike expected the other to conform because each

²⁸ Ray Allen Billington, “Frontier Democracy: Social Aspects,” *The Turner Thesis: Concerning the Role of the Frontier in American History*, ed. George Rogers Taylor, 3rd ed. (Lexington, Mass.: D.C. Heath, 1972) 178.

²⁹ Josiah Gregg, *Commerce on the Prairies*, 218. Emphasis added.

³⁰ Edward Pessen, *Jacksonian America: Society, Personality, and Politics*, Revised ed. (Chicago: University of Illinois Press, 1985), 17. “To [Charles] Dickens, the Americans were ‘all alike...no diversity in Character.’ Their ‘fear of singularity’ accounted for what Miss [Harriet] Martineau believed to be their main fault: ‘a deficiency of moral independence.’ In this land of conformity, she wrote, ‘worship of opinion is, at this day, the established religion of the United States.’” Writing of the power of public opinion to influence conformity, American novelist James Fennimore Cooper wrote, “‘they say,’ is the monarch of this country.” Francis Grund discovered that in Boston, “the habit of conforming to each other’s opinion, and the penalty set upon every transgression..., are sufficient to prevent a man from wearing a coat cut in a different fashion, or a shirt-collar no longer *a la mode*, or, in fact, to do, say, or appear anything which would render him unpopular.” In matters of great moral significance “[George] Combe was struck that...[Americans] feared to affirm what they knew was right, because of fear of majority opinion.” Pessen, *Jacksonian America*, 17-18.

community laid claim to the lands in Jackson County. In speaking of the gathering, the revelations and articles in the *Star* designated Jackson County as the land of the Mormon inheritance. Some Mormons interpreted that to mean God had given the Saints the land by divine decree. As a result, “there were among us a *few* ignorant and simple-minded persons who were continually making boasts to the Jackson county people, that they intended to possess the entire county,” Mormon resident David Whitmer stated.³¹ Jackson County resident John McCoy related an account of an “old, gray-headed Mormon named Pryor,” who claimed God had given him their Missouri lands. “Brother M[cCoy], I have the greatest regard and friendship for you,” the old man would say to John’s father. He continued:

This land of promise is already parceled to the Saints by divine authority. Your tract, brother M., is included in my inheritance and in the Lord’s own good time I will possess it, for it is so recorded. But fear not, Brother M. The Lord will either open your eyes to become one of us, or He will make me an instrument for your welfare.³²

Bitter at the condescending tone of such claims, the Missourians complained, “We are daily told, and not by the ignorant alone, but by all classes of them, that we, (the Gentiles) of this county are to be cut off, and our lands appropriated by them for inheritances.”³³ Baptist Minister Isaac McCoy estimated the Mormons had declared “perhaps hundreds of times, that this county was theirs, the Almighty had given it to

³¹ Interview in *Kansas City Journal*, 5 June 1881. Emphasis Added.

³² John McCoy, *Kansas City Journal*, 18 January 1885.

³³ “Mormonism,” in Smith, *HC*, 1:396. Alexander Doniphan, a resident in nearby Clay County and lawyer for the Mormons stated: “Soon after they came to Jackson county, they established a newspaper at Independence, called the Morning and Evening Star, edited by W.W. Phelps, in which they published their peculiar tenets and pretended revelations, in which they set forth that they had been sent to Jackson county by divine Providence, and that they, as a church were to possess the whole of the county, which then embraced what is now Jackson, Cass, and Bates counties.” Alexander Doniphan, *Kansas City Journal*, 24 June 1881.

them, and that they would surely have entire possession of it in a few years.”³⁴ Jackson County resident and militia officer Thomas Pitcher asserted that “the troubles of 1833, which led to [the Mormon] expulsion from the county, were originated by those fanatics making boasts that they intended to possess the entire county, saying that God had promised it to them and they were going to have it.”³⁵ W.W. Phelps, editor of the *Evening and Morning Star*, warned non-Mormons that if they did not repent and receive baptism they would be “taken out of the world by the pestilential arrows of the Almighty.”³⁶

For the Mormons in Jackson County, conformity required conversion. According to an 1832 editorial, Mormon missionaries preached that God commanded them to declare repentance to this generation, saying, “that *all who do not embrace their faith and mode of worship*, forsake their friends, houses, and lands, and go with them to a place of safety, which is in the state of Missouri...will be destroyed by sword, famine pestilence, earthquakes, &c.”³⁷ Commenting on the invitation to become Mormons or suffer the wrath of an angry God, Jackson County resident Alexander Majors wrote:

They claimed that God had given them that locality, and whoever joined the Mormons, and helped prepare for the next coming of the Lord Jesus Christ, would be accepted and all right; but if they did not go into the fold of the Latter Day Saints, that it was only a matter of time when they would be crushed out, for that was the promised land and they had come to possess it. . . .³⁸

³⁴ Isaac McCoy, “Disturbances in Jackson County,” in *Daily Missouri Republican*, 20 December 1833.

³⁵ Interview of Col. Thomas Pitcher, in *Kansas City Daily Journal*, Sunday, 19 June 1881.

³⁶ “The Children of the Kingdom,” *The Evening and Morning Star*, January 1833. In the Fishing River Revelation (1834), Latter-day Saints received the counsel to “be very faithful, and prayerful, and humble...and reveal not the things which I [the Lord] have revealed unto them, until it is wisdom in me that they should be revealed. Talk not judgment, neither boast of faith, nor of mighty works; but carefully gather together, as much in one region as can be consistently with the feelings of the people.” See *HC*, 2:108-11.

³⁷ *Independent Messenger*, Boston, 7 June 1832. Emphasis added.

³⁸ Majors, *Seventy Years on the Frontier*, 45.

Fellow resident John McCoy contended that as Mormon settlers increased,

they began to openly avow their purpose of possessing the entire country peaceably by converting the Gentiles to the Mormon faith, if they could, but failing in this, to possess it any way, and if necessary by the shedding of blood, and when this determination on the part of the Mormons became manifest to the original settlers...bitter and relentless hostility grew up and increased.³⁹

As Mormon settlers flooded into Missouri they followed the injunction of their prophet to go “forth into the western countries” and “call upon the inhabitants to repent.”⁴⁰

However, some failed to follow Smith’s counsel to raise a warning voice “in mildness and in meekness,” declaring “none other things than the prophets and apostles.”⁴¹ Instead of warning people to flee wickedness by embracing the restored gospel of Christ, many, with millenarian fervor, raised a warning voice of calamity, destruction and doom.

Smith’s revelations counseled the Missourian Saints to “renounce war and proclaim peace” and warned them not to speak of judgments upon the wicked or boast of their own faith and miraculous works.⁴² The Mormon “voice of warning” to the Missourians fell on deaf ears, for most rejected the call to repentance and few converted to the new faith.⁴³

As a result of Missourian non-conformity, Mormons in their speech and in their writings often classified non-Mormons as “the wicked.” When a cholera epidemic threatened the county, one Latter-day Saint told local Baptist minister Isaac McCoy that “this plague was for the destruction of the wicked, whilst...the righteous would

³⁹ John McCoy, *Kansas City Journal*, 18 January 1885.

⁴⁰ “A Prophecy Given To the Church of Christ, March 7, 1831,” *The Evening and Morning Star*, June 1832.

⁴¹ Smith, *HC*, 1:140-143, 175-179. It is important to note that Smith never called for conversion by coercion. Nor did he preach taking Jackson County by force. See Smith, *HC*, 1:206-211.

⁴² Smith, *HC*, 2:108-111.

⁴³ John McCoy, years later, claimed the Mormons converted fewer than a dozen Missourians. See *Kansas City Journal*, 18 January 1885.

escape.”⁴⁴ Frequently, articles in the Mormon newspaper printed at Independence described the calamities that would befall the wicked if they did not repent. According to one article at the Second Coming, “the wicked are consumed, for every soul that will not hear the Lord...must be cut off.”⁴⁵ Another article predicted “sickness, sorrow, pain, and death will come upon the wicked” while “the righteous will be gathered...to zion.”⁴⁶ Whereas the *Star* spoke of those who rejected the restored gospel as wicked, it referred to the Mormon faithful as saints, the elect of God, children of the kingdom, the righteous, and the Lord’s people.⁴⁷ Perhaps it was for this reason *The Evening and Morning Star* was “very distasteful” to the Missourians, for in it the Mormons “set forth that they had been sent to Jackson county by divine Providence, and that they, as a church were to possess the whole of the county....”⁴⁸ The message to non-Mormons seemed clear – God

⁴⁴ Isaac McCoy, “Disturbances in Jackson County,” in *Daily Missouri Republican*, 20 December 1833.

⁴⁵ “The Old and New Revelations, *The Evening and Morning Star*, September, 1832.

⁴⁶ “The Last Days,” *ibid.*, February 1833.

⁴⁷ See “To the Saints of Christ Jesus, scattered Abroad,” *Evening and Morning Star*, June 1832; “The Progress of the Church of Christ,” *Evening and the Morning Star*, June 1833; “The Children of the Kingdom,” *Evening and Morning Star*, January 1833; “The Last Days,” *Evening and Morning Star*, February 1833. Mormons were not unique in their belief of being divinely favored and chosen of God. Throughout history, the chosen people ideology not only helped fashion group identity and solidarity, but defined a group’s role in the “moral economy of global salvation.” See Anthony D. Smith, *Chosen Peoples: Sacred Sources of National Identity* (New York: Oxford University Press, 2003), 49. Consequently, belief in ‘chosenness’ has served as both impetus and justification for conquest and colonialism, proselyzation and imperialism, settlement and kingdom building. Converts to Mormonism brought with them a tradition of ‘chosenness,’ a tradition they inherited from their English, Puritan and American forbearers. For example, John Milton believed England was “chos’n before any other. . .” and when “God is decreeing to begin some new and great period . . . What does he then but reveal Himself . . . as his manner is first to his English-men?” (*Ibid.*, 47) The Puritans believed, like ancient Israel, they had been chosen and singled out by God to build a city on a hill as an example for the nations. Thomas Jefferson in his second inaugural address proclaimed, “I shall need . . . the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land and planted them in a country flowing with all the necessities and comforts of life.” See E. Bergh, ed., *The Writings of Thomas Jefferson* (Washington, D.C.: The Thomas Jefferson Memorial Association, 1907), 10:217. As God’s chosen people, Americans considered it their divine mission to serve as an example to the rest of the world, to spread progress, Protestant morality, and democracy across the continent and eventually to the world. Like the chosen peoples cited above, Mormons considered themselves divinely favored of God and hence, chosen to play a vital role in the moral economy of global salvation.

⁴⁸ Alexander W. Doniphan, *Kansas City Journal*, 24 June 1881.

had given Jackson County to Latter-day Saints as an inheritance, therefore repent and join the Mormon faith or perish and be cut off from your lands.

While Mormons hoped Missourians would adopt their faith, Missourians demanded Mormons abandon those religious tenets that united them as a community. Some historians dismiss or downplay Missourian opposition to the Mormons on religious grounds. One historian went so far as to claim, “The Missourians displayed a relative indifference to the actual content of Mormon theology.”⁴⁹ However, as Mormon affidavits show, the nature of conformity Missouri vigilantes required of their Mormon neighbors revealed this as a principle source of opposition. While the Mormon affidavits provide rich source material for the events surrounding the expulsion from Jackson County, caution must dictate their use. First, the affidavits date seven to eight years after the events took place, increasing the possibility of misremembering or forgetting and then reconstructing memory. Second, the Mormons produced the affidavits to present before the United States Congress in an effort to seek redress and restoration to their lands in Jackson County. It was therefore advantageous for Mormon petitioners to cast themselves as victims of religious persecution. With this said, however, even the documents that Missouri vigilantes produced to justify their course of action cited Mormon religious belief as cause for concern among local Missourians.⁵⁰ By comparing the affidavits and utilizing parts that corroborate one another a general pattern of behavior emerges of how Missouri vigilantes expected Mormons to conform.

⁴⁹ Kenneth Winn, *Exiles in a Land of Liberty: Mormons in America, 1830-1846* (Chapel Hill: The University of North Carolina Press, 1989), 89.

⁵⁰ “The Manifesto of the Mob,” Smith, *History of the Church*, 1:376. See also “The Mormons,” *Jefferson Republican*, Jefferson City, Missouri, 17 August 1833; *Daily Missouri Republican*, St. Louis, Friday, 9 August 1833. Chapter two will examine the documents written by Missouri vigilantes to justify extra-legal violence toward the Mormons.

Consider first the experience of Mormon settler David Pettigrew. After converting to Mormonism in Ohio, Pettigrew settled in Jackson County with his family. During the summer of 1833 he related the following instance:

I was at work one day in the field near the high road when a man cried out at the top of his voice, “Mr. Pettigrew, you, you are at work as though you intended to remain here,” to which I replied that I thought I had a right to stay upon my own land. He then said, “We are determined to drive you away from this country and we will stop you from emigrating here.” I then told him we disturbed no man and we always kept to the laws of the land and interfered with the rights or privileges of no man. He again observed, “That is to no purpose. We will drive you from this place.” I told him that certainly the laws would not suffer him to commit such a crime. He remarked, “The old laws and Constitution are all worn out and we are about to frame a new one.”⁵¹

A few days later Pettigrew attended a prayer meeting. In the middle of the Mormon meeting two Missourians appeared. The men were sent by the “mob party to inform us what their intentions were.” Those Mormons present went out to hear what they had to say. According to Pettigrew:

One of them whose name was Masters said, “Are you all ready to hear?” We answered, “Yes” Said he, “There is a great difficulty between us and we are sent by the authority, and a large body of men are collected together at Independence and all are under arms, and now the proposals are these: If you will forsake your Morman [sic] Prophet religion...we will become your brothers and will fight for you and we will protect you in any difficulties or troubles you may have. We will stand by you and never forsake you, but if you will not, why, we will fall upon you. Our men are now under arms and it has been with great difficulty they have been kept back, and now you have some knowledge of our situations. We feel for, and beg you to consider your situation and save yourselves from the calamity which will soon follow, should you fail to comply with our request. Forsake your Prophet religion, for we will not suffer Mormanism [sic] amongst us. We will now leave you to consider over what we have told you, and this is the message we were told to deliver to you, Farewell.”⁵²

⁵¹ Affidavit of David Pettigrew, MS 2703, fd 23, LDS Church Archives, Salt Lake City, Utah. According to Mormon sources in July of 1833, Missouri vigilantes wrote a document outlining their complaints against the Mormons and their intentions to expel them from their community. Mormon sources refer to this document as the “Manifesto of the Mob” or “The Secret Constitution.” See *HC*, 1:374.

⁵² *Ibid.*

Gipson Gates confirms Pettigrew's general account. According to Gates, while Mormons gathered together for worship a man named Masters "came to us stating that he was sent By the mob to inform us that if we would forsake our religion they were willing to Be our Brother[s] and to fight for us But if not said he our young men are ready and we can scarce constrain them from falling upon you..."⁵³

Other accounts also substantiate Pettigrew's story. Orrin Porter Rockwell, a close boyhood friend of Joseph Smith, operated a ferry near Independence. He reported that Missouri vigilantes "had resolved to drive [the Mormons] out of the County and that if my father and myself would not renounce our doctrine and religious faith as Mormons we should share the same fate."⁵⁴ David Frampton contended Jackson County militia leader Thomas Pitcher "swore by God the mormons Would go Except 2 families that had denied the faith."⁵⁵ Another Mormon settler, Charles Patten, recalled that shortly after his arrival in Jackson County in 1833 he heard a petition read by county clerk Samuel Owens. After he read the petition Owens "said the Mormons must leave the Co. or deny their religion." When a gentleman asked him what he had against the Mormons Owens replied "We cannot agree" and "If we do not disperse them [and] stop the emigration they will [soon] become so numerous that they will rule the County..."⁵⁶ While at the house of fellow Mormon Jacob Foutz, Gipson Gates stated that a company of Missourians with

⁵³ Affidavit of Gipson Gates, in *Mormon Redress Petitions: Documents of the 1833-1838 Missouri Conflict*, ed. Clark V. Johnson, 212-213.

⁵⁴ Affidavit of Orrin Porter Rockwell, 3 February 1840, Box 2, Fd 72, MAP/MCL.

⁵⁵ Affidavit of David Frampton, in *Mormon Redress Petitions*, 209-210. In his study of the 1838 Mormon War, Stephen LeSueur noted "that Missourians who were acquainted with individual Mormons generally believed they were honest and industrious citizens. Many Mormons reported that, after the surrender, their neighbors invited them to remain in Missouri - if they renounced Mormonism." Stephen C. LeSueur, *The 1838 Mormon War in Missouri* (Columbia: University of Missouri Press, 1987), 247.

⁵⁶ Affidavit of Charles Patten, 8 January 1840, Box 2, Fd 18, MAP/MCL.

faces painted black appeared. Their leader, Captain Comstock, demanded Gates leave the county immediately, denounce Mormonism or go to Richmond to stand trial for resisting the Missouri vigilantes. “I ast him what it was I must deny,” Gates stated, “he Said I must deny Jo Smyths being a prophet.”⁵⁷ Truman Brace, a Mormon convert from Ohio, related:

“One day as I was hauling a load of wood[.] I saw a number of armed men on the prairies[.] When the[y] saw me two of them came up to me. They ordered me to Stop or they would Shoot me. One of them named J Young asked me if I believed the book of Mormon; I told them that ‘I did’ They said that I must leave the County.”

Similarly, Barnet Cole testified Missourian vigilantes asked him if he believed in the Book or Mormon. After he responded affirmatively, the crowd of men removed his coat and “laid on ten lashes.” Five weeks later a “Mob headed by Wilson & Johnson” forced their way into his home, whipped him again, and ordered him to leave the county.⁵⁸ Thus, Missourian vigilantes expected conformity through abandonment of certain religious beliefs that influenced Mormon behavior – not merely an abandonment of a northern lifestyle, abolitionist sentiments, peculiar attitudes toward Native Americans, nor their communal economic plan. Rather, Missourians defined a Mormon in religious terms – by his belief in and acceptance of the Book of Mormon and Joseph Smith as a prophet. Not only did Missourians use such beliefs to set Mormons apart and characterize them, but Mormons set themselves apart by such beliefs.

Some historians dismiss or downplay Missourian opposition to the Mormons on religious grounds. One historian went so far as to claim, “The Missourians displayed a

⁵⁷ Gipson Gates, in *Mormon Redress Petitions*, 212-213.

⁵⁸ Affidavit of Barnet Cole, 7 January 1840, Box 2, Fd 47, MAP/MCL.

relative indifference to the actual content of Mormon theology.”⁵⁹ Just as it was in the interests of the Mormons to characterize the conflict as nothing but religious persecution, so it was to the advantage of those who opposed the Mormons to frame their objections as anything but religious opposition. In his study of anti-Mormon rhetoric and literature, Terryl Givens explains the conflict in Missouri this way:

Obviously, just as the persecutors’ moral authority depended upon their suppression of the religious dimensions of the conflict, so did the Mormons’ depend upon its centrality. Of course, nonreligious factors contributed to the problem, and in significant ways. . . . But it is abundantly clear That religious difference of a particular kind aggravated, if it did not generate, the conflict.⁶⁰

Historian of social violence in Jacksonian America Michael Feldberg pointed to beliefs of unpopular minorities as potential cause for violence. According to Feldberg, nineteenth-century majorities “used extralegal violence or intimidation to compel acquiescence from weak or unpopular minorities, or to punish them for their *beliefs* or their behaviors.”⁶¹ That is not to say Mormon beliefs alone incited violence in Jackson County. However, an analysis of the conflict through the lens of American localism reveals the extent to which Mormons acting out their beliefs challenged customary notions of local sovereignty, authority and control.

Mormon beliefs influenced Mormon behavior and attitude. Their conviction in modern day prophets and revelation influenced new converts to gather in great numbers to Jackson County to act out their prophet’s revelations. Smith’s revelations were in the

⁵⁹ Winn, *Exiles in a Land of Liberty*, 89.

⁶⁰ Terryl L. Givens, *The Viper on the Hearth: Mormons, Myths, and the Construction of Heresy* (New York: Oxford University Press, 1997), 46. Givens points out that “as late as 1898, the multid denominational League for Social Service published its manifesto of anti-Mormonism, *Ten Reasons Why Christians Cannot Fellowship the Mormon Church*. Their major objections? Belief in modern prophets, continuing revelation, an authority vested in the priesthood, and a repugnant doctrine of deity.” Givens, *The Viper on the Hearth*, 59.

⁶¹ Michael Feldberg, *The Turbulent Era: Riot and Disorder in Jacksonian America* (New York: Oxford University Press, 1980), 90-91.

first-person voice of God. The first edition of the *Star* contained a revelation to Smith known as “The Articles and Covenants of the Church of Christ,” wherein the stated commandments “were *given* to Joseph, who was called of God and ordained an Apostle of Jesus Christ.”⁶² Another revelation printed in the *Star* had the Lord saying, “Search these commandments for they are true...and the prophecies and promises which are in them, shall all be fulfilled...*whether by mine own voice, or by the voice of my servants, it is the same.*”⁶³ Thus, for Mormons, the command to forsake home and family to gather to Missouri, build temples, consecrate material wealth and build up the kingdom of God came not from the prophet but from deity.

One historian commented that “Smith’s revelations created the dynamics for both loyalty and hostility” for “they gave him political power.”⁶⁴ Consequently, Smith’s revelations had social, political, and economic implications. His revelations were all the more explosive because they did not distinguish between the spiritual and the temporal. Establishing Zion not only involved building spirituality but also building actual communities – communities separate and apart from an unbelieving world. Mormons held tenaciously to the tenets of their new faith while emphasizing their differences, apartness and chosen status. Hence, Mormons were non-conformists. As a result of their refusal to assimilate, conflict and violence pursued them wherever they settled through the end of the century. They did not receive reprieve from an antagonistic American society until they agreed to conform, in part, to societal norms and expectations of a

⁶² “Revelations,” *The Evening and Morning Star*, June 1832.

⁶³ *Ibid.*, March 1833.

⁶⁴ Steven C. Harper, “Dictated By Christ, Joseph Smith and the Politics of Revelation.” *Journal of the Early Republic* 26 (Summer 2006): 281.

religious body.⁶⁵

Peaceably if we can, forcibly if we must

When considering the culture with which Mormons came into conflict, one should recognize that while Americans shared common traditions, values, institutions, and history, America was, nevertheless, “a heterogeneous culture made up of homogeneous and largely isolated individual units.”⁶⁶ So while the United States as a whole tolerated diversity by necessity, society at the most basic levels demanded relative uniformity. When significant, ethical or religious differences developed between divergent groups, “separation was often seen as the only solution. The communities of the province simply could not conceive of successfully maintaining structural diversity. Harmony required homogeneity.”⁶⁷ Neither the Mormons nor the Missourians seem to have considered the possibility of permanent coexistence upon the lands in Jackson County.⁶⁸ Missourian Josiah Gregg voiced this sentiment when he wrote: “It was evident, then that one of the two parties would in the course of time have to abandon the country; for the old settlers

⁶⁵ See Sarah Barringer Gordon, *The Mormon Question: Polygamy and Constitutional Conflict in Nineteenth Century America* (Chapel Hill: University of North Carolina Press, 2002). Also Kathleen Flake, *The Politics of American Religious Identity: The Seating of Senator Reed Smoot, Mormon Apostle* (Chapel Hill: The University of North Carolina Press, 2004). Sarah Gordon examines the conflict over religious liberty, marriage, and law in the nineteenth century. She places Mormon polygamy and its practice in the larger framework of American constitutional and legal history. By examining the Supreme Court’s interpretations of polygamy cases, Gordon shows how the courts redefined the meaning of the religion clauses of the First Amendment. For Gordon the constitution forced a change upon Mormonism, while at the same time Mormon polygamy transformed the meaning of the constitution (see Gordon, *The Mormon Question*, 7, 225). Kathleen Flake argues that the Reed Smoot hearings at the turn of the twentieth century resulted in a compromise between the U.S Senate and the Latter-day Saints. In return for seating their Mormon representative and granting religious citizenship, the Senate required the Mormons to conform their church and religious practices to the American Protestant idea of a church, “with its definitive values of obedience to law, loyalty to the nation, and creedal tolerance.” See Flake, *The Politics of American Religious Identity*, 8.

⁶⁶ Shain, *The Myth of American Individualism*, 62. This of course had regional variation but was particularly the case in frontier societies.

⁶⁷ Ibid.

⁶⁸ After expulsion from Jackson County and Clay County, the state of Missouri created Caldwell County to segregate the Mormons from the non-Mormon population.

could not think of bringing up their families in the midst of such a corrupt state of society as the Mormons were establishing.”⁶⁹ When efforts at conformity failed to homogenize Jackson County, Mormons and Missourians alike, promoted separation and then finally forced removal.

According to Missouri resident Joseph Thorp, Mormons told local settlers that “this country was theirs by the gift of the Lord, and it was folly for them [the Missourians] to improve their lands, they would not enjoy the fruits of their labor; that it would finally fall into the hands of the saints.”⁷⁰ Perhaps such boastful statements were made by the “few ignorant and simple-minded” Latter-day Saints, of whom David Whitmer spoke. Thorp indignantly continued:

Their paper was filled up weekly with revelations, promising great things to the saints who were faithful, and threatening destruction to the citizens if they did not give up their lands and homes peaceably, and leave them in peaceful possession, contending that the Jew and Gentile could not live together in the same locality.⁷¹

While most Missourians rejected the call to conform through conversion, evidence suggests many residents considered the invitation to leave Jackson County to the Mormons. Missouri resident John McCoy recalled that even the more “respectable, law-abiding portion” of Jackson County residents had become “convinced that the time was rapidly approaching when they would either be compelled to give way to that fanatical horde of newcomers...and leave the field, or they would be overwhelmed and absorbed in the brotherhood.”⁷² As Missourians saw their county filling up with principally poor emigrant Mormons, they became increasingly dissatisfied. Many, “in

⁶⁹ Josiah Gregg, *Commerce of the Prairie*, 315-319.

⁷⁰ Joseph Thorp, *Early Days in the West: Along the Missouri One Hundred Years Ago* (Liberty, Mo.: Liberty Tribune, 1924), 79.

⁷¹ *Ibid.*

⁷² John McCoy, in *Kansas City Journal*, 16 February 1979

view of the speedy ascendancy of the Mormons, socially and politically in the county, were unwilling to risk their fortunes” and “many...were disposed to get away,” remembered McCoy.⁷³ According to Mormon leader John Corrill, the Missourians became so disgruntled with their new neighbors that they offered “from time to time...to sell their farms and possessions, but the Mormons, though desirous, were too poor to purchase them.”⁷⁴ Even when Missourians could sell their lands, Mormons dictated the price. McCoy maintained “no one but a Mormon could be induced to buy land to settle upon, and they in the few purchases by them fixed ruinous prices.”⁷⁵ Thus, at least some of the more “respectable, law-abiding” citizens of Jackson County became increasingly frustrated by the growing Mormon presence.

According to Josiah Gregg, Missourian annoyance turned violent when Mormons threatened to use physical force to obtain possession of their promised land:

In a little paper printed at Independence...everything was said that could provoke hostility between the ‘saints’ and their ‘worldly’ neighbors, until at last they became so emboldened by impunity, as openly to boast of their determination to be the sole proprietors of the ‘Land of Zion;’ a revelation to that effect having been made to their prophet...Still the nuisance was endured very patiently, and without any attempt at retaliation, *until the ‘saints’ actually threatened to eject their opponents by main force.*⁷⁶

The revelation alluded to by Gregg was published in the *Star* in February 1833. It stated that “the land of Zion shall not be obtained but by purchase, or by blood.” The revelation forbade the saints to shed blood and therefore commanded them to “purchase the

⁷³ Ibid., 18 January 1885.

⁷⁴ Corrill, *A Brief History of the Church of Christ of Latter Day Saints*, 19

⁷⁵ McCoy, *Kansas City Journal*, 18 January 1885.

⁷⁶ Gregg, *Commerce of the Prairies*, 315-319. Emphasis added. Similarly, John McCoy testified: “The supreme folly of the Mormon leaders was in prematurely assuming the aggressive toward the old residents. In asserting and proclaiming in their talks, their sermons, and especially in their newspaper weekly at Independence, their real purposes and plans...If they had not provoked the hostility of the Gentiles only another year’s occupancy would have given them a sure footing, and the forced exodus would have been comprised of Gentiles instead of saints.” See *Kansas City Journal*, 18 January 1885.

lands.”⁷⁷ In July 1833, Mormon editor W.W. Phelps reprinted portions of this revelation, and added:

To suppose we can come up here and *take possession* of this land by the shedding of blood would be setting at naught the law of the glorious gospel...And to suppose that we can *take possession* of this country, without making regular purchases of the same according to the laws of our nation, would be reproaching this great Republic.⁷⁸

Phelps clearly stated the intent of the Mormons as taking possession of Jackson County, for God had commanded them to do so through revelation to their prophet. If any of the saints, or Missourians for that matter, doubted the eventual outcome, Phelps closed his article with a bold testimony: “...no matter what foolish reports the wicked may circulate to gratify an evil disposition, the Lord will continue to gather the righteous, and destroy the wicked, till the sound goes forth, IT IS FINISHED.”⁷⁹ Thus, to the Mormons, taking possession of the land from the Missouri settlers was a foregone conclusion.

In general, Mormons collectively seemed more concerned with building their own community than they were about physically displacing the Missourians. However, some of their more zealous members apparently made use of Smith’s revelations and Phelps’ inflammatory words to intimate to Missourians expulsion by violent force. Baptist missionary Benton Pixley alleged some Mormons claimed “the present inhabitants would be driven off unless they sold to the Mormons and went off peaceably, that they, the Mormons, should possess the country.”⁸⁰ Those Missourians most opposed to the Mormons exploited such assertions. In outlining their justifications for use of extra-legal

⁷⁷ “A Revelation Given, August 30, 1831,” *The Evening and Morning Star*, February 1833.

⁷⁸ “The Elders Stationed in Zion To the Churches Abroad,” *The Evening and Morning Star*, July 1833.

⁷⁹ *Ibid.*

⁸⁰ In letter dated November 7, 1833, to *New York Observer* and reprinted in the *Daily National Intelligencer*, 24 December 1833.

violence, Missouri vigilantes again complained of Mormon boasts to obtain their lands for an inheritance:

Whether this is to be accomplished by the hand of our destroying Angel, the judgments of God, or the arm of power, they are not fully agreed among themselves. Some recent remarks in the 'Evening and Morning Star,' their organ, in this place...show plainly that many of this deluded and infatuated people have been taught to believe that our lands are to be taken from us by the sword.⁸¹

In a letter sent to saints in Missouri, Mormon leader Fredrick G. Williams, who at the time was an ecclesiastical counselor to Joseph Smith, censured members for their talks of assistance from the natives in wresting Jackson County from the non-Mormons. Williams wrote:

We have seen a letter, written to Sister Whitney, in Nelson, that has a great deal to say about the gift of tongues, and the interpretation which was given by way of prophecy, namely, "that Zion would be delivered by judgments;" and that certain ones named, would go to such and such places among the Lamanites (Mormon designation for Indians), and "great things would be done by them;" and also, that two Lamanites were at a meeting, and the following prophecy was delivered to them:—"That they were our friends and that the Lord had sent them there; and the time would soon come, when they would embrace the Gospel;" and, also, "*that if we will not fight for ourselves, the Indians will fight for us.*" Though all this may be true, yet, it is not needful that it should be spoken, for it is of no service to the Saints and has *a tendency to stir up the people to anger.*⁸²

Such beliefs and expressions by Mormons, expanded by rumor and exaggeration in the retelling, did stir the Missourians up to anger. Another justification for violence used by Missouri vigilantes was the claim that Mormons colluded with the Indians to take their

⁸¹ "Propositions of the Mob," *The Western Monitor*, 9 August 1833.

⁸² Smith, *HC*, 1: 419. Emphasis added. In a letter to Mormon editor W.W. Phelps, Joseph Smith expressed concern over letters written to relatives from members in Jackson County. Smith condemned those "who have a zeal but not according to knowledge" for prophesying "falsly which excites many to believe that you are putting up the Indians to slay the Gentiles." Smith feared such claims "exposes the lives of the Saints evry where." See Joseph Smith to W.W. Phelps, 31 July 1832 in *Personal Writings of Joseph Smith*, ed. Dean C. Jessee (Provo, Utah: Brigham Young University Press, 2002), 273.

lands by force.⁸³

Despite the claims and assertions made by a portion of their community, Mormon rhetoric did not translate into collective action – at least not initially. Contrary to what some Missourians claimed, evidence suggests the Mormons, as a body, were industrious, peaceable citizens.⁸⁴ According to Jackson County resident Jacob Gregg, the Mormons “appeared to be a law-abiding class of citizens, and I think they were about as good and intelligent as their neighbors.”⁸⁵ Another resident, Alexander Majors, dismissed claims of idle and unlawful behavior: “[The Mormons] were industrious, hard-working people, and worked for whatever they wanted to live upon, obtaining it by their industry...”⁸⁶ However, such statements describe the Mormon community generally and not necessarily individual Mormons.⁸⁷ Alexander Doniphan, a Missouri resident, who served as legal counsel for Mormon leaders, stated: “the majority of them were intelligent, industrious and law abiding citizens, *but there were some ignorant, simple minded fanatics* among them who people said would steal.”⁸⁸ With so many indigent settlers rushing to Jackson County expecting God to consecrate the riches of the gentiles to them, claims of stealing by some Mormons seems plausible. However, as Mormon leaders later pointed out,

⁸³ The outbreak of the Black Hawk war in 1832 may have heightened Missourian fear of Indian attack.

⁸⁴ Some Missourians maintained the Mormons were lazy and, with few exceptions, brought “little or no property, and left less behind them; and we infer, that those only, yoked themselves to the Mormon car, who had nothing earthly or heavenly to lose...and we fear that if some of the leaders among them, had paid the forfeit due to crime, instead of being chosen ambassadors[sic] of the Most High, would have been inmates of solitary cells.” Parley P. Pratt, *History of the Late Persecution of the Mormons*, (1839), 63, MAP/MCL.

⁸⁵ Jacob Gregg, *The Temple Lot Case* (Lamoni, Iowa: Herald Publishing House, 1893), 289.

⁸⁶ Majors, *Seventy Years on the Frontier*, 50.

⁸⁷ According to Joseph Smith the Latter-day Saints consisted of “all sorts and classes of people.” *The Latter-day Saint Messenger and Advocate*, Kirtland Ohio, 1 September 1835.

⁸⁸ Alexander Doniphan, *Kansas City Journal*, 24 June 1881. Emphasis added.

Missourians never attempted to bring individual Mormons to trial for lawless behavior.⁸⁹ Instead, vigilantes in Jackson County cast their generalized perceptions onto the entire Mormon community. The beliefs, expressions and actions of some Mormons became the beliefs, expressions and actions of all Mormons. Thus, Missouri vigilantes directed their collective action against the collective Mormon community.

Decades after the violent events in Jackson County, John McCoy acknowledged “the Mormons received at the hands of their Gentile neighbors very harsh treatment... It was cruel.” He continued, “In nearly every instance the overt acts of aggression were perpetrated by the party opposing them.”⁹⁰ Ironically, as McCoy points out, Missouri vigilantes, as the more aggressive party, acted out what individual Mormons had only verbally expressed – a violent expulsion. Those Missourians who opposed the Mormons declared they would rid their society of the sect “peaceably if we can, forcibly if we must.”⁹¹ Peaceably meant concerned citizens “warned out of town” those designated as social deviants and a burden or threat to the well-being of their community.⁹² If Mormons refused to leave, Missouri vigilantes felt justified to expel them by force.

In the summer of 1833, a crowd of four to five hundred Missourians assembled at

⁸⁹ See Pratt, *History of the Late Persecution*, 63.

⁹⁰ John McCoy, *Kansas City Journal*, 18 January 1885.

⁹¹ *The Evening and Morning Star*, February 1834. Compare with the manifesto written by non-Mormon citizens in Jackson County in July 1833, declaring their intention to rid the county of the Mormons “peaceably if we can, forcibly if we must.” Smith, *HC*, 1:375; also in *Daily Missouri Republican*, St. Louis, Friday, 9 August 1833.

⁹² This was a common practice in towns and cities across the United State in the eighteenth and nineteenth century. Gamblers, prostitutes, abolitionists or anyone else designated a reprobate or threat to the morals and values of a community were asked to leave or were forcibly expelled. Towns warned individuals and families out of town even for poverty. “Warned out of town,” was a legal procedure used by the town selectman to absolve the community from the responsibility of taking care of the poor. In 1816 Joseph Smith’s family, because of their destitute conditions, was asked to leave the town of Norwich, Vermont. The town constable was “required to summon Joseph Smith [Sr.] and family now residing in Norwich to depart said town.” See Donald Q. Cannon, ed., *Regional Studies in Latter-day Saint History: New England* (Provo, Utah: Religious Studies Center, 2004), 58-63.

the court house in the town of Independence. Composed of residents from all parts of Jackson County, they appointed a committee to draft a set of resolutions aimed at removing that “pretended religious sect” of Mormons from their community.⁹³ The resolutions required Mormon leaders to use their influence to prevent further immigration to Jackson County and to leave “within a reasonable time.”⁹⁴ When presented with the resolutions, the Mormon Elders “asked for three months for consideration—[the committee] would not grant it— We asked for ten days—They would not grant it but said fifteen minutes was the longest.”⁹⁵ When the Mormon leaders refused to comply with the demands, the committee returned to the court house and informed the assembled citizens that the Mormons “declined giving any direct answer to the requisitions made of them, and wished an unreasonable time for consultation.”⁹⁶ Consequently, those citizens in attendance unanimously voted to use physical force to evict the Mormon community from the county.

Conclusion

By concluding to drive the Mormons from the county, Missouri vigilantes assumed many of the alleged characteristics of those they opposed. Missourians condemned fanatical allegiance to a religious ideology while affirming their own zealous devotion to frontier vigilantism. They disparaged Mormons for claiming divine entitlement to Jackson County while proclaiming their own right to the county as the original settlers. Depicting and setting apart Mormon settlers as an alien community

⁹³ “The Manifesto of the Mob,” in Smith, *HC*, 1:374. See also *The Evening and Morning Star*, “To His Excellency, Daniel Dunklin,” December 1833.

⁹⁴ “Regulating the Mormons,” *Daily Missouri Republican*, St. Louis, 9 August 1833.

⁹⁵ “To His Excellency, Daniel Dunklin,” *The Evening and Morning Star*, December 1833.

⁹⁶ “Regulating the Mormons,” *Daily Missouri Republican*, St. Louis, 9 August 1833.

accompanied Mormon construction of Missouri otherness. Missourians attacked Mormons for their attempts to convert their society while demanding Mormons conform to local expectations. Finally, in response to perceived Mormon verbal bellicosity, they concluded to expel their entire community by force. Missourians and Mormons alike subscribed to a tradition of popular self-government that emphasized local autonomy and control. Individual or collective dissidents either reconciled themselves to community standards or they were free to settle elsewhere. What they could not choose was individualistic self-defined freedom independent of the established norms and values of the community. Those who would not conform or peaceably leave were subject to expulsion. This localist way of thinking influenced how both Mormons and Missourians perceived and treated the other. Thus, while divergent beliefs and ways of living sparked antipathy between the two communities, a cultural tradition of localism shared by both competing communities fanned the flames of hostility and finally led to violent conflict.

CHAPTER III

LOCAL DEMOCRACY IN ACTION

To legitimize their use of force against the Mormon community, Jackson County citizens formed a vigilance committee and classified Mormons as a public nuisance. Common during the antebellum era, communities used the public nuisance doctrine for what they termed “self-preservation” and to regulate what they argued was the health, safety and moral well-being of their society. By imitating legal form and procedure Missouri citizens represented their actions against Latter-day Saints as local democracy in action. The vigilance committee and public nuisance doctrine served to strengthen and reinforce the collective right of Missourians to govern and regulate their local community interests.

Lives, fortunes, and sacred honor

In an address before the Young Men’s Lyceum in 1838, Abraham Lincoln spoke of “the increasing disregard for law” which pervaded the country and “the growing disposition to substitute the wild and furious passions” of the people for “the sober judgment of Courts.” Lincoln lamented that “outrages committed by mobs, form[ed] the every-day news of the times,” fearing that “the innocent . . . alike with the guilty, fall victims to the ravages of mob law.” Lincoln considered mob violence a threat to the country’s democratic institutions in that “the walls erected for the defense of the persons and property of individuals, are trodden down, and disregarded.”¹ Lincoln’s apprehension of uncontrolled popular rule reflected the rising tension between two democratic ideals - rule of law and rule of the people. During the turbulent 1830s, Lincoln, like many other Americans at the time, called for the ascendancy of the rule of

¹ Abraham Lincoln, “Address to the Young Men’s Lyceum of Springfield, Illinois,” in *Abraham Lincoln: Great Speeches* (New York: Dover Publications, 1991), 2-4.

law.²

Five years before Lincoln's speech, a St. Louis newspaper, the *Daily Missouri Republican*, reported one such case of violent disregard for law committed by a crowd of Missourians in Jackson County. The newspaper denounced the violent expulsion of Mormons from the county as "wholly at war with the genius of our institutions, and as subversive of good order as the conduct of the fanatics themselves," but concluded, however, that "perhaps . . . it was the only method which could have been effectually put in practice to get this odious description of population out of the way."³ The article reflected a prevailing Jacksonian notion regarding the use of extra-legal violence as a legitimate way to resolve local conflict, tension and disagreement.⁴ As the newspaper pointed out and Jackson County vigilantes later confessed, some evils in society were unforeseen and "therefore unprovided for by the laws; and the delays incident to legislation would put the mischief beyond remedy."⁵ Nevertheless, knowing that their conduct undermined established law the Jackson County vigilantes found it necessary to legitimize their acts of violence.

Sometime during the month of July 1833, a document circulated calling for the immediate removal of Mormon settlers from Jackson County. The document listed grievances against the Mormons and rationalized the use of extra-legal action to

² In her book *Uncivil Disobedience*, Jennet Kirkpatrick maintains that liberal democracies such as the United States are "positioned precariously and uncomfortably" between the two ideals - rule of law and rule of the people. Lincoln himself would come to understand the interplay and tension between these two ideals as President of the United States during the Civil War. Kirkpatrick, *Uncivil Disobedience: Studies in Violence and Democratic Politics* (Princeton, New Jersey: Princeton University Press, 2008), 117.

³ Charless & Pesehall, "Regulating the Mormonites," *St. Louis Daily Missouri Republican*, 9 August 1833.

⁴ Richard M. Brown concludes in his study on nineteenth century violence, "American opinion generally supported vigilantism; extralegal activity by a provoked populace was deemed to be the rightful action of good citizens." Richard Maxwell Brown, *Strain of Violence* (New York: Oxford University Press, 1975), 2.

⁵ "Mormonism," *Sangamo Journal*, Springfield, Illinois, 17 August 1833.

accomplish their designs. The “secret constitution,” as the Mormons referred to it, declared that the “citizens of Jackson County” intended to rid its society of the “pretended religious sect of people...styling themselves ‘Mormons’ ...peaceably if we can, forcibly if we must.”⁶ The document reflected America’s penchant toward violence as a means to solve disputes rather than relying on the political and judicial process.

Violence plagued society as a whole during this period in American history known as the “turbulent era.” Lynching, mobocracy, and vigilantism characterized the western and southern frontiers. Collective violence and rioting plagued America’s urban societies. The *Niles Register* reported more than ninety riots in the United States between 1833-1836.⁷ Some degree of major civil disturbance and mob violence plagued more than seventy percent of American cities with populations of 20,000 or more between 1830 and 1865.⁸ A rapidly changing society witnessed ethnic, racial, religious, political, class, labor and anti-abolition violence. “Our whole community seems to be under an unnatural excitement,” wrote the South Carolina *Southern Times* in 1835. “Mobs, strikes, riots, abolition movements, insurrections, Lynch clubs seem to be the engrossing topics of the day. . . . The whole country . . . seems ready to take fire on the most trivial occasion.”⁹ According to one historian of criminal justice, what distinguished Jacksonian violence and rioting from other periods of American history was the “frequency of its occurrence, its effectiveness, and the relative inability of public authorities to control or

⁶ Smith, *HC*, 1:374.

⁷ Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 431.

⁸ John C. Schneider, quoted in Brown, *Strain of Violence*, 3.

⁹ David Grimsted, *American Mobbing, 1828-1861* (New York: Oxford University Press, 1998), 3.

suppress it.”¹⁰

The “secret constitution” was written for public consumption and served the tactical purpose of broadening community support against the Mormons.¹¹ Moreover, to prevent local and state authorities from intervening and to limit the damage to their community’s reputation in the eyes of outsiders, vigilantes appropriated the law, its terms, procedures and personnel, to legitimize their extra-legal action. Signed by hundreds of citizens, the “secret constitution” was a lawyer’s brief. Attorney and deputy county clerk Russell Hicks later admitted he was the document’s author.¹² The brief drew on the common law tradition of public nuisance to establish a quasi-legal basis for collective action against the Mormons.¹³ According to legal scholar and historian William Novak, nuisance “was one of the most important public legal doctrines of the nineteenth-century regulatory governance.”¹⁴ Public and private nuisance, in the nineteenth century, focused on the “unwarrantable or unlawful use by a person of his own property, real or personal.” Nuisance action also encompassed “improper, indecent or unlawful personal conduct”

¹⁰ Michael Feldberg, *The Turbulent Era: Riot and Disorder in Jacksonian America* (New York: Oxford University Press, 1980), 7.

¹¹ It is likely the Mormons referred to the document as “secret” because it was unofficial, not because it was unknown.

¹² *Daily Missouri Republican*, 20 January 1834. Russell Hicks became a citizen of Independence in 1828. He was a deputy clerk of the County Court. Later, he became one of the judges of the circuit court which included several counties. Hicks was described as “a large, heavy man, rough and brusque in manner. His face was always shaved and he wore his hair rather long.” Pearl Wilcox, *Jackson County Pioneers* (Independence, Missouri, 1975), 46-49.

¹³ One Englishman touring the United States in the mid-1830s noted that much of the local mob action represented a “species of common law” rather than “an opposition to the established laws of the country.” Francis J. Grund, *The Americans in Their Moral, Social and Political Relations* (London: Longman, Rees, Orme, Brown, Green & Longman, 1837), 1:323 as quoted in Richard B. Kielbowicz, “The Law and Mob Law in Attacks on Antislavery Newspapers, 1833-1860,” *Law and History Review* 24 (Fall 2006):599. Kielbowicz, in his study, traces the use of nuisance law in the abatement of antislavery newspapers from 1833-1860. While his study focuses on the abatement of the *True American* in Lexington, Kentucky in 1845 he mentions in passing the use of nuisance law in destroying the *Evening and Morning Star* in 1833. *Ibid.*, 559-600.

¹⁴ William J. Novak, *The People’s Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: The University of North Carolina Press, 1996), 60.

which obstructed or injured “a right of another or of the public.”¹⁵ Consequently, any behavior or profession “that tamper[ed] with the public morals, tend[ed] to idleness and the promotion of evil manners” was considered a public nuisance.¹⁶ Communities drew on this tradition to abate obnoxious newspapers, shut down businesses of ill repute, destroy houses that represented a health or fire danger and drive gamblers from town.¹⁷

Nineteenth century nuisance doctrine grew out of the common law maxim *sic utere tuo maxim*: “so use your own right, that you injure not the rights of others.” Individuals in a community were expected to use their freedom to promote the general good of the community. It was not uncommon in the early republic for private rights to be subordinate to the majoritarian interests of the local community. Commenting on this principle as it related to press freedom, Chief Justice Joseph Story wrote, “Common sense here promulgates the broad doctrine, *sic utere tuo, ut non alienum laedas*; so exercise your freedom, as not to infringe the rights of others, or the public peace and safety.”¹⁸ In his treatise on government published in 1833, former Vermont Senator and Chief Justice Nathaniel Chipman wrote, “men cannot live each one by himself, but must live together, in society”; therefore, “the wants and rights of each member shall be regulated by the rights and wants of every other.”¹⁹ Thus when a community felt an

¹⁵ Horace G. Wood, *A Practical Treatise on the Law of Nuisance*, 2d. ed. (Albany, N.Y.: Parsons, 1883), 1-2. Wood first published his treatise in 1875. He was the first American author to write a treatise on nuisance law.

¹⁶ *Ibid.*, 36.

¹⁷ Richard Kielbowicz argued, “Nuisance law protected the community’s moral and social order...In short, antebellum communities wielding public nuisance law where it appeared necessary to limit one person’s liberty on behalf of the common good.” Kielbowicz, “The Law and Mob Law in Attacks on Antislavery Newspapers,” 575.

¹⁸ Joseph Story, *Commentaries on the Constitution of the United States* (Boston: Hilliard Gray and Co., 1833), 3:732, 740-41.

¹⁹ Nathaniel Chipman, *Principles of Government: A Treatise on Free Institutions* (Burlington, Vermont, 1833), 164. See also William Sullivan, *The Political Class Book: Intended to Instruct the Higher Classes in Schools in the Origin, Nature, and Use of Political Power* (Boston, Mass., 1831), 12-13.

individual or group of individuals threatened the peace, safety, moral or general well-being of their society they often drew on the common law tradition of public nuisance to regulate their community interests.²⁰

It was to this tradition that the mayor of Nauvoo, Illinois, Mormon prophet Joseph Smith, appealed in 1844 to abate an anti-Mormon newspaper – the *Nauvoo Expositor*. Smith said that such newspapers and editors “are calculated to destroy the peace of the city, and it is not safe that such things should exist, on account of the mob spirit which they tend to produce.” In discussion with the city council, Smith further proclaimed he “would rather die tomorrow and have the thing smashed, than live and have it go on, for it was exciting the spirit of mobocracy...and bringing death and destruction upon us.” Since the newspaper represented a threat to the peace and safety of the community, he declared the paper a public nuisance and urged its destruction without judicial process.²¹ Smith’s arguments and rationalization for destroying the press mirrored that of Missouri vigilantes who eleven years earlier destroyed the Mormon newspaper and press in Jackson County.

To successfully brand the Mormon settlers in Jackson County a public nuisance required Missourians to show how they collectively threatened the peace, safety and moral well-being of their community.²² In their brief, the vigilantes constructed the Mormons as lazy, idle, “deluded fanatics” and “designing knaves.” They blasted

²⁰ This is not to say that common law predominantly influenced antebellum legal culture. Government regulation, particularly at the state and municipal level, developed “in a rich matrix of common law, civil law, and constitutional jurisprudence.” David A. Johnson, “Vigilance and the Law: The Moral Authority of Popular Justice in the Far West,” *American Quarterly* 33 (Winter, 1981):828.

²¹ Joseph Smith, *HC*, 6:437-443.

²² According to David Johnson’s study of vigilance and the law, “The transcendent sovereignty attributed to the popular tribunal and the definition of the criminal as a morally alienated individual mutually reinforced the moral authority of extralegal popular action. Johnson, “Vigilance and the Law,” 568.

Mormons for pretending to perform miracles and receive “personal . . . revelations direct from heaven.” Furthermore, they claimed Mormons “declare openly that their God hath given them this county of land, and sooner or later they must and will have possession” of Jackson County for an inheritance. Finally, they accused the Mormons of “inviting free negroes and mulattoes from other states to become ‘Mormons,’ and remove and settle” in Missouri.²³ For these reasons the vigilantes believed it a duty they owed to themselves, their wives, children and “to the *cause of public morals*, to remove” the Mormons from among them.²⁴ Citing the deficiencies of current law, vigilantes justified their extra-legal action, “the arm of the civil law does not afford us a guarantee, or at least a sufficient one, against the evils which are now inflicted upon us...by the said religious sect.” With a lack of protection under existing law, the Missourians “deem[ed] it expedient, and of the highest importance, to form [themselves] into a company for the better and easier accomplishment of [their] purpose.” Therefore, appealing to “the law of self-preservation” they planned to organize a vigilance committee to drive the Mormons from their society.²⁵

The “law of self-preservation” cited in the brief was tied to another democratic notion – popular sovereignty.²⁶ In 1867, a member of a vigilante group in Missouri, summarized the “indisputable right” of popular sovereignty as “the right of the people to

²³ Smith, *HC*, 1:374-376. Compare with similar reports in “The Mormons,” *Jefferson Republican*, Jefferson City, Missouri, 17 August 1833.

²⁴ Smith, *HC*, 1:376. Emphasis added. In the aftermath of violence toward the Mormons, the Jackson County vigilance committee wrote they acted to preserve and protect “good society, public morals, and the fair prospects” of their county. See “Regulating the Mormonites,” *Daily Missouri Republican*, St. Louis, Missouri, 9 August 1833.

²⁵ Smith, *HC*, 1:374-76.

²⁶ According to Richard Brown, vigilante movements, prevalent in Jacksonian America, used three popular democratic beliefs as their guiding philosophy: popular sovereignty, self-preservation, and right to revolution. The secret constitution contained all three notions to justify their extra-legal acts of violence against the Mormons in Jackson County. See Brown, *Strain of Violence*, 115.

take care of themselves, if the law does not.”²⁷ Popular sovereignty and the right of the people to take the law into their own hands existed from colonial times. The American revolutionaries violently defied British authority and ultimately established a nation of popular rule. In 1787, future Supreme Court Justice Samuel Chase of Maryland declared that the people’s power “is like the light of the sun, native, original, inherent, and *unlimited by human authority*. Power in the rulers or governors of the people is like the reflected light of the moon, and is only borrowed, delegated and limited by the grant of the people.”²⁸ Since the people frequently heard that all government, law, power and authority belonged to them, “they occasionally mistake the true limit of that sovereignty, and undertake to exercise despotic powers” wrote one contemporary critic of mob violence in America.²⁹ In 1838, Mormon leader Sidney Rigdon appealed to the popular will of Latter-day Saints to justify expelling unwanted apostates from Mormon society in Caldwell County, Missouri. In his “Salt Sermon,” Rigdon proclaimed:

When a county, or body of people have individuals among them with whom they do not wish to associate and a public expression is taken against their remaining among them and such individuals do not remove, it is the principle of republicanism itself that *gives that community a right to expel them forcibly*.³⁰

Ironically, this was the same argument used by Jackson County residents to expel the Mormon community five years earlier.

²⁷ As quoted in Brown, *Strain of Violence*, 117. Brown concludes in his study of violence that “to nineteenth-century Americans the rule of the people was superior to all else – even the law.” Ibid.

²⁸ Quoted in Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: The University of North Carolina Press, 1969), 371. Emphasis added.

²⁹ Jeremiah Hughes, *Niles’ Register* 66 (July 27, 1844):344-45, cited in Grimstead, “Rioting in Its Jacksonian Setting,” 392-93.

³⁰ The Reed Peck Manuscript, (1839), 33, Special Collections & Archives, Merrill-Cazier Library, Utah State University, Logan, Utah. Rigdon also appealed to the common law tradition of nuisance to rid Caldwell County of dissident Mormons. After accusing apostates of “doing all in their power to destroy the presidency” of the church and branding them as counterfeits, liars and cheaters, Rigdon “called on the people to rise en masse and rid the county of such a *nuisance*.” Ibid., 24-25. Emphasis added. As a result of Rigdon’s bellicosity many Mormon dissenters fled Caldwell County.

Jackson County citizens concluded their constitution by agreeing to “use such means as may be sufficient to remove [the Mormons], and to that end we each pledge to each other our bodily powers, our lives, fortunes and sacred honors.”³¹ By pledging their “lives, fortunes and sacred honors,” Missouri vigilantes imitated the language used in the Declaration of Independence. Citing the American Revolution connected their extra-legal actions to those of the revolutionary fathers, who established the precedent of transcending constituted law and authority by violent revolution if deemed necessary to maintain rights, powers, and public morality.³² Thus, having outlined their “grievances” and appealing to the common law tradition of public nuisance and self preservation, Missouri vigilantes called on citizens to “meet at the court house at the town of Independence, on Saturday...[July 20], to consult on” a plan to rid Jackson County of the Mormon menace.³³

Community-based adjudication

In order to distinguish themselves from a lawless mob, participants described the gathering at Independence as a “meeting of citizens.”³⁴ “Four or five hundred persons,” assembled, with representatives or “gentlemen from every part of the county.”³⁵

Alexander Majors, whose father took part in the proceedings, wrote that those involved “were not what is termed ‘rabble’ of a community, but many among them were

³¹ Smith, *HC*, 1:376.

³² According to Richard Maxwell Brown, “One significant feature of the Revolution is that the example of violent resistance to the mother country, and all the acts of violence associated with that great event, served as a grand model for later violent actions by Americans in behalf of any cause...” Brown, *Strain of Violence*, 4.

³³ Smith, *HC*, 1:376.

³⁴ “Regulating the Mormonites,” *Daily Missouri Republican*, St. Louis, Missouri, 9 August 1833. The *Western Monitor* in Fayette, Missouri first published the proceedings of the Jackson County vigilantes on 2 August 1833.

³⁵ *Ibid.*

respectable citizens and law-abiding in every other respect, but who actually thought they were doing God's service to destroy, if possible, and obliterate Mormonism."³⁶ Baptist minister, Isaac McCoy reported, "Many of the more reputable citizens took part in this meeting; ardent spirits were forbidden to the company, and the subjects introduced for consideration were dispassionately discussed."³⁷ In all of their proceedings the Jackson County citizens professed to act "not from the excitement of the moment, but under a deep and abiding conviction, that the occasion [was] one that call[ed] for cool deliberation."³⁸ Another local resident proudly reported "they assembled...according to appointment without noise or riot, or drunkenness, but with a deliberate purpose."³⁹ Thus, the vigilantes emphasized their restraint, order and decorum. In contrast to an unruly mob, they portrayed themselves as being well-organized, deliberate in their plans and supported in their actions by the dominant forces in the community.⁴⁰

To give a further sense of legitimacy to their proceedings, the gathered citizens emphasized their adherence to due process and procedural niceties. They assembled at "the court house" to adopt "measures" to rid themselves of the Mormons. "It was resolved" that a committee of seven be appointed to draft a set of resolutions to accomplish their design.⁴¹ They appointed Colonel Richard Simpson as chairman with

³⁶ Alexander Majors, *Seventy Years on the Frontier: Alexander Majors' Memoirs of a Lifetime on the Border*, ed. Colonel Prentiss Ingraham (Columbus, OH: Long's College Book Co., 1950), 46.

³⁷ Isaac McCoy to Editor, 28 November 1833, in *Missouri Republican*, 20 December 1833.

³⁸ *Daily Missouri Republican*, 9 August 1833.

³⁹ Benton Pixley, *Daily National Intelligencer*, 24 December 1833.

⁴⁰ In his study of Anti-abolition mobs, Leonard L Richards contends, quite persuasively, that conventional anti-abolition mobs were not revolutionary nor of the lower-classes, but rather comprised respectable men of "property and standing" in the community. According to Richards anti-abolition mobs involved a well-organized body of citizens with coordinated action and had the support or acquiescence of the dominant forces in the community, including city officials. See Leonard L. Richards, *Gentlemen of Property and Standing: Anti-Abolition Mobs in Jacksonian America* (New York: Oxford University Press, 1970), 5, 129-130.

⁴¹ *Daily Missouri Republican*, St. Louis, Missouri, 9 August 1833.

James H. Flournoy and Colonel Samuel D. Lucas as secretaries. Simpson and Lucas were not only colonels in the militia but also judges of the county court. Their appointment to chair the committee no doubt gave the proceedings a sense of legality. Flournoy was a wealthy landowner and one of the original settlers of Independence. Among those appointed to the committee were two lawyers, Russell Hicks and Henry Chiles, as well as James Hambright, a colonel in the militia. The other members of the committee were “gentlemen of property and standing” in the community. After outlining their grievances against the Mormons, the resolutions prepared by the committee demanded:

- 1 – That no Mormon shall in future move and settle in this county.
- 2 – That those now here...give a definite pledge of their intention, within a reasonable time to remove out of the county...
- 3 – That the editor of the Star be required forthwith to close his office, and discontinue the business of printing in this county...
- 4 – That the Mormon leaders here...use their influence in preventing any further emigration of their distant brethren to this county...
- 5 – That those who fail to comply with these requisitions, be referred to those of their brethren who have the gifts of divination, and of unknown tongues, to inform them of the lot that awaits them.⁴²

After the declaration was read and considered, it “was unanimously adopted” by the gathered citizens.

The assembled citizens appointed a committee of twelve to present the requisitions to local Mormon leaders, demanding their strict compliance. If church leaders refused, the committee, acting as the designated “organ of [Jackson] county,” would inform the Mormons of the citizen’s intended actions.⁴³ The twelve-member committee included Colonels Richard Simpson and Samuel Lucas, merchants Thomas

⁴² *Daily Missouri Republican*, 9 August 1833.

⁴³ *Ibid.*

and Moses Wilson, attorney and county clerk Russell Hicks, prominent slave-holder and wholesale storeowner Joel F. Chiles,⁴⁴ and the honorable Richard Fristoe. Fristoe, one of the earliest settlers to the county, was instrumental in naming the county in honor of Andrew Jackson under whom he served as first-lieutenant. After serving as justice of the county court, he was elected in 1833 as a member of the Missouri State Legislature.⁴⁵ The appointed committee called on “Mr Phelps, the editor of the *Star*; Edward Partridge, the Bishop of the sect; and Mr. Gilbert, the keeper of the Lord’s store house; and some others.” When the Mormon leaders “declined giving any direct answer to the requisitions,” asking instead for “an unreasonable time for consultation with their brethren” in Missouri and in Ohio, the committee returned to the court house. After reporting the Mormon response, “it was unanimously resolved by the meeting, that the *Star* printing office should be razed to the ground.”⁴⁶ According to John Whitmer, a Mormon living in Jackson County, after church leaders refused to comply with the committees demands, they returned to the courthouse where the citizens “voted to raze the printing [office] to the ground.”⁴⁷

Like other vigilante movements, the one in Jackson County functioned “as an *extralegal* structure of justice that paralleled the regular system.”⁴⁸ According to the nineteenth-century chronicler of vigilantism Hubert Howe Bancroft, vigilance committees did not act out of “disrespect for the law.” Nor did they deny “the human and

⁴⁴ Joel F. Chiles moved from Kentucky to Jackson County with thirty-one slaves. Wilcox, *Jackson County Pioneers*, 46-49.

⁴⁵ Fristoe fought with Jackson in the Battle of New Orleans. His younger brother Thomas married Nancy Jackson, a daughter of Andrew Jackson. Wilcox, *Jackson County Pioneers*, 36-37, 130.

⁴⁶ *Daily Missouri Republican*, St. Louis, Missouri, 9 August 1833.

⁴⁷ John Whitmer, “The Book of John Whitmer,” in Bruce N. Westergren, ed., *From Historian to Dissident: The Book of John Whitmer* (Salt Lake City: Signature, 1995), 106. Emphasis added.

⁴⁸ Brown, *Strain of Violence*, 123.

divine right of law to be obeyed” nor did they lack “due deference to judges, governors and administrators of the law when such deference was their due...” No, Bancroft contends, “nothing of this kind can rightly be charged on members of vigilance committees.” Rather, vigilantism represented “the right of a majority of the people to suspend the action of the law...whenever they deemed it essential to the well being of society to do so.”⁴⁹ Viewing their proceedings as democracy in action, the Jackson County citizens filed out of the court house to carry out their community-based adjudication.

According to Mormon accounts, a “mob” gathered at the printing office and home of editor William W. Phelps. Jackson County resident Thomas Pitcher recalled, “Col Sam Owens, Gen. S.D. Lucas and myself and several other leading citizens [took] part in the destruction of the printing office.”⁵⁰ The citizen crowd knocked the door in and “Mrs. Phelps, with a sick infant child and the rest of her children, together with the furniture in the house, were thrown out doors.”⁵¹ A teenage Mormon girl, Mary Elizabeth Rollins, recalled “the mob brought out some large sheets of paper, saying, ‘Here are the Mormon

⁴⁹ Hubert Howe Bancroft, *Popular Tribunals*, 2 vols. (San Francisco, 1887), 1:45. Historian David Grimstead makes a similar argument in “Rioting in Its Jacksonian Setting,” *American Historical Review* 77 (April 1972): 392-93. In her study of violence in America Jannet Kirkpatrick’s shows how frontier vigilantes viewed extra-legal action as a legitimate constitutional right. As popular sovereigns, the people had the right to temporarily suspend the law and how it was adjudicated. Thus, Kirkpatrick contends, vigilantism acted as an extension of legal power in times of emergency rather than as a usurper. To support their argument of legitimacy, vigilantes had to act as a cohesive and uniform group. Thus, Kirkpatrick finds that their acts of extra-legal violence celebrated their believed uniformity and homogeneity in civic and moral commitments. See Kirkpatrick, *Uncivil Disobedience*, 13, 60.

⁵⁰ Interview of Pitcher, in *Kansas City Journal*, 24 June 1881 as reprinted in *Saints’ Herald*, 1 August 1881.

⁵¹ “To His Excellency, Daniel Dunklin,” *The Evening and Morning Star*, December 1833. See also Interview of Thomas Pitcher in *Kansas City Journal*, 17 June 1881.

commandments.”⁵² By July 20, 1833 the first 160 pages of Joseph Smith’s revelations entitled the *Book of Commandments* had been printed. Rollins related how a few of the printed revelations were spared:

My sister...and myself were in a corner of a fence watching them. When they spoke about them being the commandments, I was determined to have some of them. So while their backs were turned, prying out the gable end of the house, we ran and gathered up all we could carry in our arms. As we turned away, two of the mob got down off the house and called for us to stop, but we ran as fast as we could, through a gap in the fence into a large corn field, and the two men after us. We ran a long way in the field, laid the papers on the ground, then laid down on top of them...They hunted all around us, but did not see us.⁵³

After the press was “thrown from the upper story, and the apparatus, book work, paper, [and] type...scattered through the streets” the crowd pulled the roof off and razed the brick walls.⁵⁴ The Mormon storehouse was spared the same fate only after owner Sidney Gilbert promised to pack the goods and close the store.⁵⁵

Vigilante George Simpson, along with two others, went to the home of Bishop Edward Partridge and “compelled [him] to go with them.” Partridge recounted, “Soon after leaving my house I was surrounded by about fifty mobbers who escorted me about half a mile to the public square, where I was surrounded by some two or three hundred

⁵² Mary Lightner, “Mary Elizabeth Rollins Lightner,” *The Utah Genealogical and Historical Magazine* 17 (July 1926): 196. Jackson County resident Alexander Majors recalled that the printed literature of the Mormon Church “was very distasteful to the members and leaders of other religious denominations... In that day and age it was regarded as blasphemous or sacrilegious for anyone to claim that they had met angels and received from them new revelations, and the religious portion of the community, especially, was very much incensed and aroused at the audacity of any person claiming such interviews from the invisible world...Finally the citizens, and particularly the religious portion of them, made up their minds that it was wrong to allow them to be printing their literature and preaching, as it might have a bad effect upon the rising generation.” Majors, *Seventy Years on the Frontier*, 44-45.

⁵³ Lightner, “Mary Elizabeth Rollins Lightner,” 196.

⁵⁴ *Times & Seasons*, December 1839.

⁵⁵ John Whitmer, “The Book of John Whitmer,” 106. According to Hiram Rathbun, “The streets were almost covered with these pieces of cloth that were unrolled in that manner, and other goods scattered around.” Testimony of Hiram Rathbun, *Temple Lot Suit, Complainant’s Abstract of Pleading and Evidence* (Lamoni, Iowa: Herald Publishing House, 1983), 217.

more.”⁵⁶ Russell Hicks appeared to Partridge to be the leader of the crowd. “He told me,” Partridge recalled, “that his word was the law of the county, and that I must agree to leave the county or suffer the consequences.” Addressing the assembled crowd, Partridge proclaimed his willingness to “suffer for the sake of Christ.” The bishop’s speech infuriated members the crowd who, cursing and swearing, yelled out, “Call upon your God to deliver you and your pretty Jesus you worship!”⁵⁷ In front of the court house the crowd, acting as judge and jury, stripped the Mormon bishop of his clothing. When the Mormon bishop “strongly protested against being stripped naked in the street “some more human than the rest interfered and [he] was permitted to wear [his] shirt and pantaloons.”⁵⁸ Thus, some citizens acted as moderating voices within the crowd. The vigilantes then covered Partridge head to foot in tar and poured feathers over him. The crowd had maltreated him, according to Partridge, “because I would not agree to leave the county, and my home where I had lived two years.”⁵⁹

After finishing what they had set out to do, the crowd returned to the court house. According to their account they had acted “with the utmost order and the least noise and disturbance possible,” satisfied that “no blood was spilled, nor any blows inflicted.” They resolved to adjourn their “meeting” until the 23rd of July. Before dispersing they “resolved” to send a copy of their resolutions and proceedings to “the principal editors in the eastern and middle states for publication; that the Mormon brethren may know at a

⁵⁶ Affidavit of Edward Partridge, Quincy Illinois, 15 May 1839 in *Mormon Redress Petitions*, 512-515.

⁵⁷ Ibid.

⁵⁸ Ibid. According to an account from Partridge’s daughter, after he had been tarred and feathered, “a man raised a whip to finish him by thrashing him when another man, more human, laid hold of his arm saying he had done enough.” Emily Dow Partridge Smith Young, *Autobiography*, BYU Special Collections, Harold B. Lee Library, Provo, Utah.

⁵⁹ *Autobiography of Edward Partridge* in Smith, *HC*, 1:390-391.

distance that the gates of Zion are closed against them.”⁶⁰

Three days later, on July 23 five hundred Missourians rushed into Independence brandishing “rifles, dirks, pistols, clubs and whips.”⁶¹ The crowd took leading Mormon Elders by force and threatened to whip them from fifty to five-hundred lashes. While demolishing Mormon homes, fields and crops, the crowd threatened, “We will rid Jackson county of the ‘Mormons,’ peaceably if we can, forcibly if we must. If they will not go without, we will whip and kill the men; we will destroy their children, and ravish their women.”⁶² Seeking to prevent further violence, local Mormon leaders, under duress, “entered into a treaty with the mob.” The treaty was prepared by “a committee appointed by a public meeting of the citizens” of Jackson County. The citizens called on “Oliver Cowdery, W.W. Phelps, William M’Lellin, Edward Partridge, Lyman Wight, Simeon Carter, Peter and John Whitmer, and Harvey H. Whitlock” to “remove with their families out of [the] county on or before the first day of January [1834], and...use all their influence to induce all” other Mormon residents “to remove as soon as possible.”⁶³ The agreement permitted Algernon Sidney Gilbert, keeper of the bishop’s storehouse, to “sell out his merchandise [then] on hand,” but was “to make no new importation.” In addition the Mormon newspaper was never again “to be published nor a press set up” in Jackson County. If the Mormon leaders complied with these terms, the appointed

⁶⁰ *Daily Missouri Republican*, 9 August 1833.

⁶¹ Letter from Edward Partridge to Governor Daniel Dunklin, 28 September 1833, *The Evening and Morning Star*, vol. 2 (June 1833-September 1834), 114.

⁶² *Evening and Morning Star*, February 1834. Compare with the manifesto written by non-Mormon citizens in Jackson County in July 1833, declaring their intention to rid the county of the Mormons “peaceably if we can, forcibly if we must.” *HC*, 1:375; also in *Daily Missouri Republican*, St. Louis, Friday, 9 August 1833.

⁶³ Memorandum of agreement between the undersigned of the Mormon Society in Jackson County, Missouri, and a committee appointed by a public meeting of the citizens of said county, made on the 23rd day of July, 1833, as found in *HC*, 1:394.

committee pledged themselves “to use all their influence to prevent any violence being used” against the Mormon community.⁶⁴

Contested authority

Many scholars contend that the slavery issue was the major catalyst for the destruction of the Mormon press and the July attacks.⁶⁵ Indeed, one Missouri State historian argued that “the unpardonable sin of the Mormons in Jackson County was opposition to slavery.”⁶⁶ On the surface this conclusion seems rather apparent. Weeks before the destruction of the press, anti-Mormon citizens stated in their manifesto that, “In a late number of the *Star*, published in Independence by the leaders of the [Mormon] sect, there is an article inviting free negroes and mulattoes from other states to become ‘Mormons,’ and remove and settle among us.”⁶⁷ In his article “Free People of Color” Phelps published the state laws restricting entry and settlement of free blacks in Missouri.

⁶⁴ Ibid.

⁶⁵ See Warren A. Jennings, “Factors in the Destruction of the Mormon Press in Missouri, 1833.” *Utah Historical Quarterly* 35 (Winter 1967): 57-76; Patricia A. Zahniser, “Violence in Missouri, 1831-1839: The Case of the Mormon Persecution.” (Master’s thesis. Florida Atlantic University, 1973), 69; Kielbowicz, “The Law and Mob Law in Attacks on Antislavery newspapers, 1833-1860,” 573; Marvin S. Hill, *Quest For Refuge: The Mormon Flight From American Pluralism* (Salt Lake City, Utah: Signature Books, 1989), 41; Grant Underwood, “Expulsion From Zion,” in *Joseph Smith, The Prophet & Seer*, eds. Richard Neitzel Holzapfel and Kent P. Jackson (Provo, Utah: Religious Studies Center, 2010), 139.

⁶⁶ Walter B. Stevens, *Centennial History of Missouri: One Hundred Years in the Union*, (St. Louis: The S.J. Clarke Publishing Company, 1921), 2:95. In 1836-37, a few years after the Mormon expulsion from Jackson County, the Missouri Legislature passed an act punishing those who promulgated the abolition doctrines: “If any person shall publish, circulate or utter, by writing, speaking, or printing, any facts, arguments, reasoning or opinions, tending directly to excite any slaves or other persons of color to rebellion...shall be fined in a sum of not exceeding one thousand dollars and be imprisoned in the state penitentiary for a term not exceeding 20 years; and for the third offense, therefore being convicted he shall be imprisoned in the state penitentiary during life.” Wilcox, *Jackson County Pioneers*, 185. See also McCandless, *A History of Missouri*, 58. Such legislation shows how inhospitable Missouri was to abolitionists. However, it must be kept in mind that when conflict in Jackson County broke out abolitionism was still in its infancy. One historian commenting on this fact points out “William Lloyd Garrison’s abolitionist newspaper *The Liberator* was only a little over a year and a half old at the time...and had fewer than four hundred subscribers even in a place as seemingly receptive as Boston. In 1833, abolitionism was a new idea in America – and one that would have had few adherents outside of Massachusetts.” Thomas M. Spencer, *The Missouri Mormon Experience* (Columbia: University of Missouri Press, 2010), 6.

⁶⁷ Smith, *HC*, 1:375.

He cautioned: “Slaves are real estate in this and other states and wisdom would dictate great care among the branches of the Church of Christ on this subject....Shun every appearance of evil.”⁶⁸ Despite its stated claims, Jackson citizens interpreted the article as an invitation for free Blacks to settle in Missouri. Feeling Missourians had distorted the intent of his article, Phelps quickly printed an extra. In an effort to allay hostility toward the Mormons, Phelps stated his real intention “was not only to stop free people of color from emigrating to this state, but to prevent them from being admitted as members of the Church.”⁶⁹

How big of a factor was the slave issue in the destruction of the press and the hostility toward the Mormons? Alexander Majors, who took part in preventing the Mormons from returning to their lands after they were driven out stated:

It has been claimed by some that one of the causes of the dissatisfaction was that the Mormons were Abolitionists. *This, however, played no part in the bitter feelings that grew up between them and their neighbors*, for at the time of their coming to Jackson County there were but very few slaves, the people generally being poor farmers who lived from the labor of their own hands and that of their families...⁷⁰

Years after the Mormon expulsion a newspaper reporter asked militia colonel Thomas Pitcher, “Do you think...that the slavery question had anything to do with the difficulties with the Mormons?” Pitcher, who helped disarm and drive Mormons from the county replied, “No, I don’t think that Matter had anything to do with it. The Mormons, it is true, were northern and eastern people, and ‘free soiler,’ but they did not interfere with

⁶⁸ “Free People of Color,” *The Evening and Morning Star*, July 1833.

⁶⁹ “Extra,” *The Evening and Morning Star*, 18 July 1833.

⁷⁰ Majors, *Seventy Years on the Frontier*, 55-56. Emphasis added. The 1830 census revealed 569 free Negroes in Missouri. In 1832, Jackson County had 5,071 inhabitants of which 360 were slaves, with no free people of color.

the negroes and we did not care whether they owned slaves or not.”⁷¹ The accusation and claim that Mormons encouraged free Blacks to migrate en masse to the state may have been an attempt to legitimate the need for extra-legal force to expel the Latter-day Saints. Playing off the fears of local settlers, such claims no doubt won many converts to the anti-Mormon cause.

Opposition and hostility toward the Mormons and their newspaper occurred long before the article on free people of color appeared in the *Evening and Morning Star*. As early as March 1832, a group of Missourians gathered to consider how to rid Jackson County of the Mormon menace. According to the *Star*, that same spring a group of people “in the deadly hours of the night, commenced stoning or brick-batting some of the [Mormons’] houses.”⁷² One Protestant minister wrote that throughout the summer and fall of 1832 “threats were occasionally made to throw down houses, &c; their printing office, and their store house in Independence...”⁷³ Church leader Oliver Cowdery later maintained that “many threats were thrown out by certain low, degraded, unprincipled persons” but that “they were only put forward and excited to desperation by a still more influential set, that kept secreted behind the scene for fear of public censure and contempt.”⁷⁴ Cowdery’s statement seems substantiated by John McCoy, a non-Mormon resident who claimed:

One mile west of the Blue, on the old road from Independence to the state line...there was a country store kept by one Moses G. Wilson, a brigadier general of militia, a restless partisan, very prominent and influential with a certain class. This store was, during 1833, the rendezvous for the anti-Mormons, where they were want to meet to discuss the situation and form plans, and to organize raids

⁷¹ Interview with Colonel Thomas Pitcher, “Mormon History,” *Kansas City Journal*, 19 June 1881.

⁷² As later reported in *The Evening and Morning Star*, December 1833.

⁷³ Isaac McCoy to editor, *Daily Missouri Republican*, St. Louis, 20 December 1833.

⁷⁴ *The Evening and Morning Star*, January 1834.

upon the Mormon settlements up toward the state line.⁷⁵

Thus, even before Phelps printed his article on free persons of color, anti-Mormon forces conspired against the Latter-day Saints and threatened to destroy their printing office.

In assessing the factors that led to hostility and conflict in Jackson County, local resident Alexander Majors offered a different perspective, “the cause of all this trouble was solely from the claim that [the Mormons] had a new revelation direct from the Almighty, making them the chosen instruments to go forward...to build the New Jerusalem.”⁷⁶ Thus, in Major’s view, revelation and claim to the land by divine right lay at the core of hostility toward the Mormons. Fellow Jackson County resident John McCoy echoed Major’s sentiments:

‘Revelations,’ so called were furnished through the prophet to explain all things secular and ecclesiastical, governed all their movements and plans, and the weekly installment of ‘Revelations’ as published in their weekly newspaper, the *Morning Star*, in Independence...was the chief cause of their overthrow and expulsion from the county.⁷⁷

The first objection in the constitution written by Jackson County residents revealed their irritation at Mormon claims to special revelation, “It is more than two years since the first of these fanatics, or knaves, made their first appearance amongst us, and pretended as they did, and now do, to hold personal communication and converse face to face with the Most High God; to receive communications and revelations direct from heaven...”

⁷⁵ John McCoy to the Editor, *Kansas City Journal*, 18 January 1885.

⁷⁶ Majors, *Seventy Years on the Frontier*, 50. While speaking to a Presbyterian preacher in Salt Lake City, Majors told him the trouble in Jackson County “grew out of the fact that they claimed to have seen an angel, and to have received new revelation from God which was not in accord with the religious denominations that existed in the community at the time.” Ibid.

⁷⁷ McCoy, *Kansas City Journal*, 18 January 1885. David Whitmer, writing years after he left the Mormon Church, also confirmed Majors’ and McCoy’s claims, “The Church at Independence established a newspaper...which published the revelations of Joseph Smith and the doctrines of the church, which also caused a great deal of hard feelings among the citizens.” “Interview with David Whitmer,” *Kansas City Daily Journal*, 5 June 1881.

Again toward the end of the manifesto the citizens objected to Mormon revelatory claims, “They openly blaspheme the Most High God, and cast contempt on His holy religion by pretending to receive revelations direct from heaven.” The Missourians recognized that their claims to revelation led Mormons to “declare openly that their God hath given them this county of land, and that sooner or later they must and will have possession of our lands for an inheritance.”⁷⁸

Mormon revelation, which emphasized gathering to the God-appointed Jackson County to build Zion, threatened to displace Missourians or at the very least diminish their local sovereignty and control in a society ruled by majoritarianism. A few weeks after their attacks on the Mormons, Missouri vigilantes wrote in defense of their collective action, “it requires no gift of prophecy to tell that the day is not far distant when the civil government of the county will be in their hands...” They lamented at the thought of Mormons, who believed in the supernatural and revelation, controlling civil government:

What would be the fate of our lives and property, in the hands of jurors and witnesses, who do not blush to declare, and would not upon occasion hesitate to swear, that they have wrought miracles, and have been the subjects of miraculous and supernatural cures, have converse with God and His angels, and possess and exercise the gifts of divination and of unknown tongues.⁷⁹

Mormons, by reason of their beliefs in the supernatural, including the gift of revelation, could not be trusted with local political and judicial power.

Mormon revelation located authority not in popular will but rather in what one

⁷⁸ “The Manifesto of the Mob,” in *HC*, 1:375-376.

⁷⁹ “Mormonism,” in *HC*, 1:397. See also “Regulating the Mormonites,” *Daily Missouri Republican*, St. Louis, Missouri, 9 August 1833.

historian termed “the undemocratic voice of God.”⁸⁰ Thus, according to opponents, Smith’s revelations took on authority, thereby effectively transferring sovereignty from the local settlers to a distant prophet located in another state. The conflict represented, in part, a collision between the sovereignty of God’s revelation, as the Latter-day Saints acted them out, and the local sovereignty of the Missourians. At stake was the collective right of Missouri settlers to govern themselves locally without interference from some distant authority. This is what their fathers fought the revolution over and it was this spirit of seventy-six to which the Missourians made their appeal. Aware that their extra-legal action against the Mormons undermined established law, the Missourians appealed to the right of revolution to overthrow those who threatened their rights and sovereignty, just as the Founding Fathers had done in revolting and fighting against what they perceived as British tyranny.

Like their colonial forbearers, the Missourians chose to destroy property and harass individuals that symbolically represented very specific grievances.⁸¹ According to McCoy, the revelations published in the Mormon newspaper “openly avowing their purpose of possessing the entire land” either through conversion or by God’s desolating scourges “*more than anything else*,...provoked the hostility of the citizens and brought about their forcible expulsion.”⁸² Therefore, in order to silence Mormon revelatory authority, Missouri vigilantes destroyed the press that published and promulgated those revelations. The destruction of the printing office brought an end not only to the

⁸⁰ Steven C. Harper, “Dictated by Christ: Joseph Smith and the Politics of Revelation,” *Journal of the Early Republic* 26 (Summer 2006): 277.

⁸¹ Paul Gilje, *Rioting in America* (Indianapolis: Indiana University Press, 1996), 33, 47-48. Gilje uses the example of the Boston Tea Party of 1773 to illustrate how rioters ritualistically destroyed property that symbolically represented their grievance.

⁸² John McCoy, *Kansas City Journal*, 18 January 1885.

publication of the *Evening and Morning Star* but also to the publication of the *Book of Commandments*, a compilation of Smith's revelations. Likewise, in front of the court house the Jackson crowd tarred and feathered the Mormon's leading official in Missouri, Bishop Edward Partridge. Such a ritual act represented not only a debasement of Partridge but also of Mormon religious authority in Jackson County. By their collective action against the Mormon printing office and Bishop Partridge, the Jackson crowd declared the supremacy of local popular sovereignty over what they considered the tyranny of Mormon revelation. While the Missourians located authority within the people locally, they were disquieted by what appeared to them as Mormon allegiance to the supremacy of God's authority as revealed through their prophet. They feared as one Ohio editor did that the county would be "governed by revelation" for "all [Mormon] doings and performances" are "held out as having been dictated and commanded by Jesus Christ, in writing, through the head of their prophet Joseph."⁸³

There is danger, however, in depicting the conflict in Jackson County simply in terms of where Missourians and Mormons located ultimate authority. After all, Missourians, like most Americans at the time, recognized religious authority in their personal lives and even expected local society to reflect certain biblical morals and values. Likewise, Mormons recognized civil authority and made adherence to civil law part of their religious faith.⁸⁴ Moreover, although Mormon converts believed Smith to be a prophet, they struggled at times to accept and follow his revelatory leadership. This

⁸³ *Painesville Telegraph*, Ohio, 17 April 1835; also Eber D. Howe, *Autobiography and Recollections* (Painesville, OH, 1878), 44.

⁸⁴ A few weeks after the vigilante violence in Jackson County, the Latter-day Saints were counseled in a revelation to befriend "that law which is the constitutional law of the land." The same revelation warned against retaliation, revenge and taking the law into their own hands. See Smith, *HC*, 1:403-406.

was particularly true when revelations dealt with temporal concerns or seemed to diminish local and personal autonomy among Mormon adherents. Conflict within their own ranks dispels the notion that Mormons marched lock-step to Smith's revelations. Missouri antagonists characterized Mormons as blind followers who, lemming-like, did not think or act for themselves. As duped fanatics, Mormons were merely acted upon by Smith and his revelations. Baptist Minister and Jackson County resident Benton Pixley voiced this sentiment when he wrote of a "pretended revelation" the Mormons received that led them to an "extraordinary line of conduct." According to Pixley, Mormons obeyed the "mandate from above" because they "regulate their conduct by revelations direct from heaven."⁸⁵ Comparing the Mormon prophet to a dictator, one Missouri judge claimed his "edicts were sent forth" and "obeyed *without a murmur* by his followers."⁸⁶ Such views, however, represented perception more than reality.

From the outset, Mormon settlers rushed to Jackson County contrary to Smith's revelations, which counseled not to "gather in haste lest there be confusion."⁸⁷ With millenarian fervor, entire congregations of saints "crowded up in numbers, without having any places provided."⁸⁸ According to one revelation, only those who had prepared themselves materially and spiritually and who, upon arrival, would consecrate all their possessions to the bishop in Missouri were privileged to go to Zion. Moreover, they were to be called or "appointed by the Holy Spirit" to go and upon arrival they were to present recommends from the church in Kirtland indicating their worthiness and good

⁸⁵ Benton Pixley to the editors of the *New York Observer*, reprinted in "Religious Warfare," *Christian Register*, Boston, 21 December 1833.

⁸⁶ Joseph Thorp, *Early Days in the West: Along the Missouri One Hundred Years Ago* (Liberty, Mo. Liberty Tribune, 1924), 30. Emphasis added.

⁸⁷ Revelation, August 1831, in Smith, *HC*, 1:206-211.

⁸⁸ John Corrill, *A Brief History of the Church of Christ* (St. Louis: self published, 1839), 19.

standing.⁸⁹ Disregarding counsel and instruction, enthusiastic members emigrated to Jackson County on their own volition. Furthermore, rather than consecrate all their possessions, many Mormons purchased land independent of the church's communal economic practice. In a letter sent to church leader W.W. Phelps, Joseph Smith censured a company of emigrating Mormons for their failure to observe the appropriate rules established for removing to Zion. Smith specifically rebuked William E. McLellin, the leader of the company of a hundred men, women and children. Smith reprimanded him for "making a mock of the profession of faith in the commandments by proceeding contrary thereto in not complying with the requirements...in not obtaining recommends." Moreover, Smith censured church leaders in Missouri for receiving McLellin "into there [sic] fellowship & communion" on any other conditions than those outlined in the revelations.⁹⁰ Rather than consecrate his material wealth to Bishop Edward Partridge in return for an "inheritance" or plot of land in Zion, McLellin purchased two lots and a small cabin on Main Street in Independence. By the time of the Mormon expulsion from the county in November 1833, McLellin had acquired at least 73 acres of land.⁹¹

McLellin was not the only Mormon settler in Jackson County that spurned the injunction in Smith's revelation to "lay all things before the bishop in Zion."⁹² Salmon Sherwood wrote he left the Mormons after attending a "solemn assembly" in

⁸⁹ Revelation of Joseph Smith, 4 December 1831, in *HC*, 1:239-241.

⁹⁰ Smith to Phelps, in Jessee, ed., *Personal Writings of Joseph Smith*, 270. See also Letter of William E. McLellin to Beloved Relatives, 4 August 1832, Jackson County, Missouri in the *Journals of William E. McLellin, 1831-1836*, ed. Jan Shipps and John W. Welch (Chicago: University of Chicago Press, 1994), 79-85. As a result of the number of Mormons who refused to consecrate their property to the church, Joseph Smith wrote church leaders in Jackson County advising that "those who receive not their inheritance by consecration...should [not] have their names enrolled with the people of God." Joseph Smith to W.W. Phelps, Kirtland, Ohio, 27 November 1832, in *HC* 1:298-299.

⁹¹ *Journals of William E. McLellin*, 79-85.

⁹² Revelation of Joseph Smith, Kirtland, Ohio, 4 December 1831 in Smith, *HC*, 1:239-41.

Independence. According to Sherwood, Bishop Partridge declared at the meeting that the elders “had power if they lived faithful to the Lord to discern the spirits of the private members, whether they were worthy to remain in the church or not; that they must consecrate all their property in the name of [Partridge] a bishop to the Lord, or they would all be lost...” Sherwood concluded his letter by writing, “All my family here, except one, are shaken from the Mormon faith.”⁹³ Less than a month after Sherwood’s letter, a Mormon in Jackson County sued Edward Partridge to recover money sent from Ohio to the bishop. According to an account in the *Cincinnati Journal*, “the plaintiff had subscribed & paid...fifty dollars, ‘to purchase an inheritance for himself and for the saints of God in Zion in these last days.’” As the designated legal agent for the church, Bishop Partridge used the money to purchase lands in his name. This was the procedure Mormon leaders used for acting in the church’s name. After purchasing land with consecrated donations, inheritances were allotted, and lands legally deeded to arriving settlers. The plaintiff, upon his arrival in Jackson County, received an “inheritance” of an allotted acreage for his family. Not satisfied, however, with the size of his inheritance he sued the Mormon bishop and the jury found in his favor.⁹⁴

Church leaders pointed to the failure of Latter-day Saints to observe the law of consecration as one reason why God permitted their expulsion. According to Lorenzo Snow, an early Mormon convert and fifth president of the church, “The Saints in Jackson County and other localities, refused to comply with the order of consecration, consequently they were allowed to be driven from their inheritances; and should not

⁹³ Salmon Sherwood to friends in Fulton County, Independence, Missouri, 25 February 1833, printed in “The Mormons,” *Daily Missouri Intelligencer*, Columbia, 20 April 1833

⁹⁴ Benton Pixley to the editor, Independence, Missouri, 4 March 1833, in *Cincinnati Journal*, 22 March 1833.

return until they were better prepared to keep the law of God.”⁹⁵ Months after their expulsion from Jackson County, a revelation of Smith’s rebuked the saints for “not impart[ing] their substance as becometh saints, to the poor and afflicted among them” and for not being “united according to the union required by the law of the celestial kingdom.”⁹⁶ As a result of their disunity and refusal to impart of their material wealth, the Lord would chasten them “until they learn[ed] obedience.” Reiterating the commandment they had failed to obey, the revelation directed the saints to purchase all the lands in Jackson County and to “possess them according to the laws of consecration which I [the Lord] have given.”⁹⁷

Letters to and from church authorities in Kirtland, Ohio reveal some uneasiness and even resentment held by Mormon leaders in Missouri toward Smith’s revelatory leadership. In June 1832, John Corrill, a church leader in Jackson County, wrote Smith. “In a censorious spirit,” he accused “Joseph Smith in rather an indirect way of seeking after *monarchial power and authority*.”⁹⁸ In response, Smith wrote to church leaders in Missouri:

We learned by Broth[er] Johns letter that the devel[sic] had set to work to reward us by stirring up your hearts...by raking up evry[sic] fault, which those eyes that are filled with beams could see in looking for motes in the eyes of those who are laboring with tender and prayerful hearts continually for there[sic] salvation.

Addressing the accusations in Corrill’s letter, Smith wrote, “I do not fellowship the letter which was written to me by Bro John,” and “I do not plead guilty of the charges made

⁹⁵ Lorenzo Snow, *Journal of Discourses*, 26 vols. (Liverpool: Franklin D. Richards et al., 1855-86), 16:276.

⁹⁶ Revelation of Joseph Smith, on Fishing River, Missouri, 22 June 1834, in *HC* 2:108-11.

⁹⁷ *Ibid.*

⁹⁸ Orson Hyde and Hyrum Smith to the Bishop, his Council and the Inhabitants of Zion, Kirtland, Ohio, 14 January 1833, in *HC*, 1:317-321. Emphasis added.

against me.”⁹⁹ Despite some reconciliation, tension between church leaders in Missouri and those in Kirtland continued.

In January 1833, Smith wrote a letter to W.W. Phelps editor of the *Star* and church leader in Jackson County. Accompanying Smith’s letter was a copy of a new revelation:

I send you the ‘olive leaf’ which we have plucked from the Tree of Paradise, the Lord’s message of peace to us; for though our brethren in Zion indulge in feelings towards us, which are not according to the requirements of the new covenant, yet we have the satisfaction of knowing that the Lord approves of us, and has accepted us...¹⁰⁰

Smith lamented at certain accusations from Phelps and A. Sidney Gilbert:

Our hearts are greatly grieved at the spirit which is breathed both in your letter and that of Brother Gilbert’s, the very spirit which is wasting the strength of Zion like a pestilence; and if it is not detected and driven from you, it will ripen Zion for the threatened judgments of God.¹⁰¹

In a separate letter, Orson Hyde and Hyrum Smith, having been appointed at a church conference in Kirtland, wrote “the Bishop, his Council and the Inhabitants of Zion” to upbraid them for “their evil hearts of unbelief, and...for their *rebellion* against” Joseph Smith.¹⁰² Hyde and Smith reminded the saints in Missouri of the circumstances of “the Nephites, and the children of Israel rising up against their Prophets, and accusing them of *seeking after kingly power*, and see what befell them, and take warning before it is too late.” In closing, they called on the Missouri saints to “Repent! Repent!” and warned,

⁹⁹ Dean C. Jessee, *Personal Writings of Joseph Smith* (Provo, Utah: Brigham Young University Press, 2002), 305.

¹⁰⁰ Joseph Smith to W.W. Phelps, Kirtland, Ohio, 14 January 1833, *HC*, 1:316-317.

¹⁰¹ *Ibid.* A few weeks after violence broke out in Jackson County, Smith wrote Phelps again declaring, “This great tribulation would not have come upon Zion had it not been for rebellion: Firstly there were rebellions against the one to whom were intrusted the keys, & from thence it has spread down to the lowest & least member!...It was necessary that these things should come upon us: not only justice demands it, but there was no other way to cleanse the church.” Joseph Smith to William W. Phelps, Kirtland, Ohio, 10 August 1833, in Jessee, *The Personal Writings of Joseph Smith*, 305.

¹⁰² Orson Hyde and Hyrum Smith to the Bishop, his Council and the Inhabitants of Zion, Kirtland, Ohio, 14 January 1833, in *HC*, 1:317-321. Emphasis added.

“Let not Satan tempt you to think we want to *make you bow to us, to domineer over you.*”¹⁰³

Conclusion

Like their Missouri neighbors, Mormons in Jackson County were at times unsettled by their faith’s revelatory leadership. Such leadership appeared to some Latter-day Saints as an invasion of their sovereignty, transferring control from local Mormon settlers to their distant prophet.¹⁰⁴ Thus, internal conflict within the Mormon community preceded and accompanied the conflict that raged between Missourians and Mormons over control of Jackson County. To Missourians like John McCoy and Alexander Majors, Latter-day Saints acting out the revelatory claims of their prophet-leader more than anything else led to hostility and conflict. While revelatory claims directly challenged traditional notions of local authority, Mormon settlers acting on Smith’s revelations endangered their local autonomy. A strong appeal to localism led Jackson County vigilantes to subordinate the private rights of the Mormons to the perceived endangered welfare of the public, even though that meant bypassing constituted law, authorities and due process. Appealing to the self-preservation of their society, Jackson County vigilantes classified Mormons as a morally alienated public nuisance. This common law doctrine was commonly utilized to regulate the health, safety and morality of a local community. To give their proceedings a further sense of legitimacy vigilantes adopted

¹⁰³ Ibid. Emphasis added.

¹⁰⁴ There is evidence to suggest Mormon leaders in Missouri requested Joseph Smith relocate and settle in Jackson County, possibly feeling he would know more of local concerns and problems if he were on location. In a letter to the Mormon prophet dated December 1832, W.W. Phelps requested Smith settle in Jackson County. In reply, Hyrum Smith and Orson Hyde wrote, “we say that Brother Joseph will not settle in Zion until she repent, and purify herself, and abide by the new covenant, and remember the commandments that have been given her, to do them...” Ibid., 319.

democratic form and procedure. They elected representatives, drafted a constitution and voted to show that their extra-legal actions were in fact a local democratic majority governing their community. In destroying the printing press and abasing Bishop Partridge, vigilantes symbolically attacked Mormon religious authority, which they felt threatened their local community control. Interestingly, while Missourians viewed obedience and allegiance to Smith's revelations as cause for public concern, church leaders in Ohio cited indifference and disobedience to those revelations as grounds for expulsion. For these Mormon leaders the last verse of the *Book of Commandments* set in type before the destruction of the printing press proved prophetic, "The willing and obedient shall eat the good of the land of Zion in these last days; And the rebellious shall be cut off out of the land of Zion, and shall be sent away..."¹⁰⁵

¹⁰⁵ Jennings, "Factors in the Destruction of the Mormon Press in Missouri," 71-72.

CHAPTER IV

TRIUMPH OF LOCAL MAJORITARIAN RULE

The local orientation of antebellum governance and regulation influenced the way local, state and federal authorities responded to the crisis in Jackson County. When violence reached its climax, vigilantes called out the militia to “officially” disarm and forcefully expel the Mormons. The local disposition of courts, juries and militia undermined Governor Daniel Dunklin’s efforts to redress depredations committed against the Mormon community. Limited by his strict interpretation of executive authority, Dunklin felt powerless to effectively intervene legally and militarily in Jackson County. Similarly, due to constitutional restraints and the prevailing philosophy of states’ rights, the federal government refused Mormon requests to intervene. Thus, Mormons discovered that ultimate authority in Jackson County resided in the hands of the Missouri citizens locally as their popular will became paramount law.

Zion is fled - Expulsion from Jackson County

In defending the rule of law, Abraham Lincoln feared that the full extent of mob evil ensued when “the perpetrators of such acts [went] unpunished.” Such permissiveness and inaction encouraged “the lawless in spirit . . . to become lawless in practice; and having been used to no restraint . . . they thus become, absolutely unrestrained.”¹ “If the laws be continually despised and disregarded,” Lincoln went on to say, “if [people’s] rights to be secure in their persons and property, are held by no better tenure than the caprice of a mob, the alienation of their affection from the Government is the natural consequence.”² Just over nineteen years after Lincoln spoke these words, Utah territorial governor Brigham Young expressed his outrage against a government that had alienated him and his people.

For the last twenty-five years we have trusted officials of the government, from Constables and Justices to Judges, Governors and Presidents, only to be scorned,

¹ Abraham Lincoln, “Address to the Young Men’s Lyceum of Springfield, Illinois,” in *Abraham Lincoln: Great Speeches* (New York: Dover Publications, 1991), 2-4.

² *Ibid.*

held in derision, insulted and betrayed. Our houses have been plundered and then burned; our fields laid waste, our principal men butchered while under the pledged faith of the Government for their safety, and our families driven from their homes to find that shelter in the barren wilderness.³

Such words served as condemnation and justification for Young to declare war against the United States Government in 1857, after the President dispatched an army to put down theocratic rule in Utah. For more than a decade after their expulsion from Jackson County, Mormons sought redress for loss of homes and property, but to no avail.

On the 8th of October 1833, Mormon elders Orson Hyde and W.W. Phelps arrived in Jefferson City, the Missouri state capital. The purpose of their visit was to present a petition to Governor Daniel Dunklin. Signed by Bishop Edward Partridge and nearly every Mormon in Jackson County, the petition detailed “mob” violence perpetrated against their persons and property. Appealing to the governor’s republican sentiments, the Mormons asked for relief and protection:

Assuring ourselves that no republican will suffer the liberty of the press, the freedom of speech, and the liberty of conscience, to be silenced by a mob, without raising a helping hand to save his country from disgrace, we solicit assistance to obtain our rights, holding ourselves amenable to the laws of our country whenever we transgress them.⁴

According to the petitioners, “every officer, civil and military,” in the county with “very few exceptions, has pledged his life and honor to force us from the county.” Therefore, the Mormons believed, the “civil process cannot be served without the aid of the executive.”⁵

In reply, Governor Dunklin condemned the actions of the vigilantes. “Ours is a

³ “Proclamation of the Mormon Chief,” *Daily National Intelligencer*, Washington, D.C., 20 November 1857. Also in B.H. Robert, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City, Utah: Church Deseret News Press, 1930), 4:274.

⁴ Petition from Edward Partridge to Daniel Dunklin, 28 September 1833, in *HC*, 1:410-15.

⁵ *Ibid.*

government of laws,” Dunklin assured his petitioners, “to them we owe all obedience.”

The Governor, a lawyer from Potosi, made a direct appeal to the sovereignty of law. This stood in sharp contrast to Jackson County vigilantes who believed the rule of the people should dominate and supersede, when necessary, the rule of law.⁶ Dismissing such a notion, Dunklin continued, “No citizen, nor number of citizens, have a right to take the redress of their grievances, whether real or imaginary, into their own hands. Such conduct strikes at the very existence of society.”⁷ Believing, however, that no portion of the citizens of the state were “so lost to a sense of truth as to require the exercise of [executive] force,” the Governor advised the Mormons to “make a trial of the efficacy of the laws” by prosecuting their offenders in the local courts. Such a course would test “whether the laws can be peaceably executed or not,” Dunklin wrote. In case they failed, he assured Latter-day Saints of his intent and obligation to use his executive powers to insure the faithful execution of the law in their behalf.⁸

Following the advice of the Governor, Mormon leaders in Jackson County consulted with four lawyers from neighboring Clay County, who were then attending court in Independence. Despite having “been threatened by the mob” if they took the case, the lawyers agreed to represent the Mormons for the sum of one thousand dollars. When vigilantes heard the Mormons had retained lawyers “they became very much

⁶ An excellent study of social violence that explores the interplay and tension between democracy (rule by the people) and constitutionalism (rule by the law) in America’s history is Jennet Kirkpatrick’s *Uncivil Disobedience*. Kirkpatrick contends that liberal democracies are “positioned precariously and uncomfortably” between these two ideals - rule of law and rule of the people. Jennet Kirkpatrick, *Uncivil Disobedience: Studies in Violence and Democratic Politics* (Princeton, New Jersey: Princeton University Press, 2008) 117.

⁷ Daniel Dunklin to Edward Partridge, W.W. Phelps, Isaac Morley, John Corrill, A.S. Gilbert, John Whitmer and others, 19 October 1833, in *HC*, 1:425.

⁸ *Ibid.*

enraged”⁹ and “began to make preparations to come out by night and re-commence depredations.”¹⁰ According to Mormon leader John Corrill, prior to seeking help from the governor, vigilantes threatened that if Latter-day Saints “petitioned or prosecuted, they would MASSACRE them in toto.”¹¹ Local Baptist Minister Isaac McCoy claimed Missouri vigilantes became apprehensive when they saw Mormons “preparing their fields with a view of remaining.” Once Mormons filed their suit in court and had procured gunpowder to defend themselves, threats “to throw down houses, to whip their leaders, and to apply tar and feathers increased.”¹² In response, “the Mormons bid defiance with increasing confidence, and threatened retaliation by shooting,” wrote McCoy. Angered by Mormon obstinacy, Missourians once more congregated to prepare for action.¹³

On the evening of October 31, the day after Mormon leaders had retained legal counsel, forty to fifty citizens assembled above the Big Blue River, eight miles west of Independence. The citizen crowd went to the home of Mormon leader David Whitmer and “drew his wife out of the house by the hair of the head and proceeded to throw down the house.”¹⁴ They continued their work of destruction until they “unroofed and partly

⁹ Autobiography of Newel Knight, in *Classic Experience and Adventures* (Salt Lake City, Utah: Bookcraft, 1969), 46-104..

¹⁰ Parley P. Pratt, *History of the Late Persecution of the Mormons*, (1839), 64-65, in Mormon Affidavits and Petitions Relating to the Missouri Persecutions, Merrill-Cazier Library, Utah State University, Logan, Utah. Hereafter cited as Pratt, *History of the Late Persecution*.

¹¹ John Corrill to Oliver Cowdery, December 1833, as quoted in *The Evening and Morning Star*, January 1834.

¹² “Statement of Rev. Isaac McCoy,” 28 November 1833, as printed in *The Western Monitor*, Fayette, Missouri, 6 December 1833. Missouri Resident Benton Pixley wrote, “...it was found not only that the Mormons did not intend to move according to agreement, but that they were arming themselves, and threatened to kill if they should be molested. This provided some of the more wild and ungovernable among us to improper acts of violence, such as breaking open the Mormon houses, tearing off the covering, &c.” “Religious Warfare,” *Christian Register*, Boston, 7 November 1833.

¹³ “H.J.S.,” *Times & Seasons*, 1 May 1845.

¹⁴ Affidavit of Orrin Porter Rockwell, 3 February 1840, Box 2, Fd 72, Caine MSS Collection 19, MAP/MCL.

demolished” ten to twelve homes.¹⁵ Mormon settlers fled into the woods but not before the crowd “whipt and beat, in a savage manner, several of the men.”¹⁶ The next evening a Missouri crowd in Independence “commenced stoning houses, braking down doors and windows, [and] destroying furniture.” Just after midnight, vigilantes split opened the doors of the Gilbert & Whitney store and threw the goods out into the street. When a party of Mormon men approached the store, they quickly fled. However, one of them, a Richard McCarty, was “caught in the act of throwing rocks in at the door, while the goods lay strung around him in the street. He was immediately taken before Samuel Weston, Esq. and a warrant requested...but his justiceship refused to do anything in the case, and M’Carty was then liberated.”¹⁷ A few nights later, A. Sydney Gilbert, Isaac Morley and other Mormon men were arrested and thrown in jail for the assault and false imprisonment of Richard McCarty.¹⁸

On Saturday, November 2 attacks continued on Mormon settlements above the Big Blue. Mormon resident Orrin Porter Rockwell testified that Missouri vigilantes painted as Indians “proceeded to the house of David Bennett.” After dragging him and his family out of their home, they “beat and bruised [him] in a most savage and barbarous manner leaving him on the ground for dead.” They “then proceeded to throw down the

¹⁵ Pratt, *History of the Late Persecution*, 64-65. See also Orson Hyde’s account in the *Daily Missouri Republican*, St. Louis, 12 November 1833.

¹⁶ *Ibid.*, 64-65. According to an account by Isaac McCoy, “a Mormon leader presented his gun in defence of either himself or property, he was warned of the dreadful consequences which would follow his shooting, and he forebore; he was taken and flogged; two other leaders were treated in the same manner.” “Statement of Rev. Isaac McCoy,” 28 November 1833, as printed in *The Western Monitor*, Fayette, Missouri, 6 December 1833. While informative, McCoy’s account of the expulsion is one-sided, as he admits, “my information in some small matters may have been mistaken, and this is [the] more likely as I have had less opportunity of obtaining information from the Mormons than from their opposers.” Mormon accounts present the same problem. *Ibid.*

¹⁷ Pratt, *History of the Late Persecution*, 66. See also “Statement of Rev. Isaac McCoy,” 28 November 1833; Orson Hyde’s account in the *Daily Missouri Republican*, St. Louis, 12 November 1833.

¹⁸ Pratt, *History of the Late Persecution*, 66. See also Affidavit of Isaac Morley, 8 January 1840, Box 2, Fd 40, MAP/MCL.

house.”¹⁹ Armed with “guns, swords, pistols, clubs, and butcherknives,” the Missouri crowd continued to destroy homes and property, warning Mormons to leave the county immediately.²⁰ Mormons gathered together and armed themselves in defense. As a company of Missourians approached the next home, with a view to damage it, gunfire broke out. According to one Mormon account, after the Missourians “fired five or six guns upon our people without effect, our people fired upon them, and one of their number exclaimed, ‘O my God! I am shot!’ The mob then dispersed, taking their wounded companion along with them, who was shot through the thigh.”²¹ As the next morning dawned both sides began preparing for battle.

While Mormon accounts depict the Missouri vigilantes as an unruly mob, evidence suggests they did not act indiscriminately. For example, Mormon settler David Pettigrew recounted, “A large party of the mob came to my house. We heard the noise before they reached the door. They cried out, ‘Open, open, open this door.’” The crowd knocked down the door and entered the house. “How many Mormans [sic] have you here?” they yelled out. Pettigrew and his family lay sick in bed. After lighting a candle, a Missourian by the name of Brazille examined them and pronounced them all sick. “Boys, let them alone, they are sick, you must not disturb them,” he shouted.²² When some clamored to throw Pettigrew out and destroy his home anyway, others demurred, and the crowd moved on to the next house.²³ While some vigilantes acted as moderating voices, other Missourians joined in the fray to mitigate violence where possible. Many

¹⁹ Affidavit of Orrin Porter Rockwell, 3 February 1840, Box 2, Fd 72, MAP/MCL.

²⁰ Affidavit of David Pettigrew, Box 1, Fd 40, MAP/MCL.

²¹ Orson Hyde’s account in the *Daily Missouri Republican*, St. Louis, 12 November 1833; see also “Statement of Rev. Isaac McCoy,” 28 November 1833.

²² Affidavit of David Pettigrew, Box 1, Fd 40, MAP/MCL.

²³ Affidavit of Orrin Porter Rockwell, 3 February 1840, Box 2, Fd 72, MAP/MCL.

Jackson County citizens did not countenance “the demolishing of houses,” wrote one resident, and “some of these now felt it to be their duty to endeavor to prevent the further shedding of blood.” Consequently, they “offered to mediate between the parties, and to bear messages of peace from one to the other.” Such peacekeepers, however, experienced resistance from both sides. One Missourian, who attempted to placate “an active Mormon, was answered that they, the Mormons, had resolved to fight while one of them remained alive.” When he appealed to the Mormon’s profession of religion and to the teachings of the Bible the man replied “that the Israelites had been authorized by the Bible to drive out the Canaanites, and he pleaded a similar privilege for his society.”²⁴

With civil war looming, Mormon leaders Thomas Marsh and Parley Pratt traveled forty miles to Lexington to visit the circuit judge. They issued a complaint before Judge Ryland, seeking a warrant for the arrest of those involved in the “outrages” committed against the Mormons. Rather than issue a warrant the judge advised them “to fight and kill the mob” whenever they attacked.²⁵ Lieutenant-Governor Lilburn Boggs, who resided in Jackson County, had given similar advice to Isaac Morley. According to Morley, Boggs said that if he were in his place and “any of the Citizens came and destroyed any of my property by night...he would return the Same injuries to them in the Dark [sic].”²⁶

On Monday evening November 4, vigilantes again collected at the Mormon settlement above the Blue where they had destroyed homes just a few days prior. When sixty vigilantes gathered at a home and threatened violence, armed Mormons approached

²⁴ “Statement of Rev. Isaac McCoy,” 28 November 1833, as printed in *The Western Monitor*, Fayette, Missouri, 6 December 1833.

²⁵ Pratt, *History of the Late Persecution*, 67.

²⁶ Affidavit of Isaac Morley, 8 January 1840, Box 2, Fd 40, MAP/MCL.

and “poured a deadly fire upon them.”²⁷ Two vigilantes and one Mormon were killed in the melee, with many more wounded on both sides. Among the dead was Independence lawyer Hugh Brazeale, who had taken an active part in the movements against the Latter-day Saints.²⁸ In the aftermath of the skirmish, rumors spread throughout the county that the Mormons had taken Independence with the Indians as their allies. Isaac McCoy related that “my anxieties and those of other peaceable persons in the neighborhood, became very great” when informed that immediately after the battle Mormons “received a command [or revelation] to ‘rise,’ and pursue their enemies and kill them whenever they found them.”²⁹ Missourians heard other rumored reports of Mormon vigilantes threatening death to citizens who had taken part in hostilities against them. Though such allegations were unsupported, Missouri vigilantes used them as a pretense for calling out the militia.

Early the next morning, armed Missourians from all parts of the county began crowding into Independence. Supposedly, Lieutenant-Governor Lilburn Boggs sanctioned calling out the militia with Colonel Pitcher at command.³⁰ On the same morning several branches of the Mormon Church on hearing about “the outrages in

²⁷ Orson Hyde, *Daily Missouri Republican*, St. Louis, 12 November 1833. According to Isaac McCoy, Missourians “returned to one of the Mormon houses; several women were seen hastening away; they were told by many of the party that they need apprehend no danger from them; the company, agreed to disperse, and left for their homes in diverse directions, some fifteen or twenty perhaps, loitered a little, suddenly they were attacked on two sides [by] the Mormons.” McCoy, in *The Western Monitor*, Fayette, Missouri, 6 December 1833.

²⁸ See *Daily Missouri Republican*, St. Louis, 12 November 1833; *The Western Monitor*, Fayette, Missouri, 6 December 1833.

²⁹ McCoy Statement, *The Western Monitor*, Fayette, Missouri, 6 December 1833. Benton Pixley, an unsympathetic Baptist minister, wrote that the “Mormons pretended to have had a revelation from heaven...to arise and pursue and destroy their enemies. In obedience to the mandate from above...there were discovered under arms to the number of about one hundred and fifty advancing on Tuesday morning to the town of Independence.” “Religious Warfare,” *Christian Register*, Boston, 21 December 1833.

³⁰ A court of inquiry later cited Pitcher as having called out the militia, ruling that he was not authorized to do so. The ruling did not mention the involvement of Lieutenant-Governor Boggs. See Daniel Dunklin to Samuel D. Lucas, 2 May 1834, in *HC*, 1:491.

Independence” the night before “united their forces and marched towards town to defend their brethren.”³¹ Isaac McCoy estimated Mormon forces equal to that of the militia – about 150 men.³² However, a Mormon named Chapman Duncan maintained that “there were 300 of them and 75 of us.”³³ A mile outside of town the Mormon company halted. According to Parley Pratt, they were informed the militia had been called out for their protection. However, they placed little confidence in the “so called” militia when they saw it “embodied the most conspicuous characters of the mob.”³⁴ McCoy offered an alternative version. He claimed the Mormons halted when they saw “the accumulation of men in arms.” Echoing feared perception or perhaps offering justification for his community’s actions, McCoy wrote, “It is probable that [the Mormons] designed to kill or drive out all the inhabitants, and...destroy the Village.”³⁵

Considering the numbers they were up against and the potential repercussions for fighting against the militia, Mormon combatants sued for peace. Whereupon Colonel Pitcher demanded the Mormons give up their arms, leave the county immediately and deliver certain men over to the law for trial. If they refused to go peaceably, he warned “they would be compelled to go at the Muzz[l]e of the gun.”³⁶ To placate their fears of being without arms, the Colonel promised them protection for a certain length of time. Pledging his honor, he assured the Mormons they would not be harmed and if they were

³¹ Pratt, *History of the Late Persecution*, 68-69.

³² McCoy Statement, *The Western Monitor*, Fayette, Missouri, 6 December 1833.

³³ Autobiography of Chapman Duncan, Harold B. Lee Library, Brigham Young University, Provo, Utah.

³⁴ Pratt, *History of the Late Persecution*, 68-69. See also Affidavit of Orrin Porter Rockwell, 3 February 1840, Box 2, Fd 72, MAP/MCL. Both Pratt and Rockwell identify Henry Chiles, Abner Staples, and Lewis Franklin as members of the committee to disarm the Mormons as participants in destroying the printing press. The leader of the militia, Thomas Pitcher, admitted years later that he helped destroy the printing press. See interview of Thomas Pitcher, in *Kansas City Journal*, June 24, 1881 as reprinted in *Saints’ Herald*, 1 August 1881.

³⁵ McCoy Statement, *The Western Monitor*, Fayette, Missouri, 6 December 1833.

³⁶ Affidavit of Orrin Porter Rockwell, 3 February 1840, Box 2, Fd 72, MAP/MCL.

he would protect them with the force of arms if necessary.³⁷ Pitcher designated a committee of militiamen to gather their firearms. Among the number appointed were several “of the most unrelenting of the old mob committee of July; who had directed...the demolishing of the printing press,” Parley Pratt wrote.³⁸ After relinquishing their arms, the Mormon company disbanded. The men Colonel Pitcher demanded were surrendered and subsequently imprisoned. A few days later, however, the Missourians released them without trial.³⁹

Not content with the firearms confiscated or the pledge Mormons gave to leave, armed vigilantes marched throughout the county demanding their immediate removal. “No sooner were we disarmed,” testified Levi Jackman, “than they, without fear, went from house to house, plundering, whipping and insulting whom...they pleased.”⁴⁰ Lemuel Herrick said he witnessed sixty armed men ride into his neighborhood, running off the men, “shooting at some...whipping others, and swearing that they would kill every Mormon if they was not out of the County in three days.”⁴¹ At the head of one company of men “appeared the Rev. Mr. McCoy, with a gun upon his shoulder, ordering the Mormons to leave immediately, and surrender everything in the shape of arms.”⁴² Lemuel Herrick similarly testified that, “about sixty armed men with the reverend Mr Isaac McCoy...at their head” ran off most of the men, “shooting at some...whipping

³⁷ See Affidavit of Charles W. Patten, 8 January 1840, Box 2, Fd 18, MAP/MCL. Orrin Porter Rockwell claimed Pitcher promised the Mormons “they might return to their homes and live in peace” if they relinquished their arms. Affidavit of Orrin Porter Rockwell, 3 February 1840, Box 2, Fd 72, MAP/MCL.

³⁸ Pratt, *History of the Late Persecution*, 68-69.

³⁹ Ibid.

⁴⁰ A Short Sketch of the Life of Levi Jackman, Autobiography, Special Collections. Harold B. Library, Brigham Young University, Provo, Utah.

⁴¹ Affidavit of Lemuel Herrick, 8 January 1840, Box 2, Fd 30, MAP/MCL.

⁴² Pratt, *History of the Late Persecution*, 70.

others, and swearing that they would kill every Mormon if they [were] not out of [the] County in three days.”⁴³ An editorial in the *Evening and Morning Star* strongly condemned the Baptist minister:

Every mean and cowardly villain, who had previously stood back, rushed out to gratify his revenge; and among these was the Rev. Isaac McCoy. Yes the Rev. Isaac McCoy, a Missionary; a Baptist Missionary! Sent to convert the Indians! Not content with the calamity which was brought upon an inoffensive and defenseless people, he grasped his gun and marched at the head of a company of ruffians, and ordered women and children to flee for their lives.⁴⁴

From the Mormon perspective, Isaac McCoy acted the part of sectarian mobocrat. However, McCoy kept a journal of his involvement in the events described above and it reveals a different motive for the part he played.

Observing and hearing reports of violence throughout the county McCoy wrote in his journal on Monday, November 4:

In the Mormon disturbances on Saturday night a young man was badly wounded by a shot from a Mormon gun. A war among our neighbours is almost commencing. Hitherto I have not meddled in the matter in any way – *Now I feel it to be my duty to endeavour to make peace.*⁴⁵

Like many of his Missouri neighbors, he had remained aloof from the conflict, but now with civil war threatening he felt it his responsibility to prevent violence and loss of life. The next day, McCoy “visited both parties, that is a few persons of each.” Most of the Mormons were assembled and therefore “inaccessible for the purposes of making peace.” Nevertheless, he offered “to carry a message of peace” from one side to the other.⁴⁶

The following morning on his way to Independence he met a small company of

⁴³ Affidavit of Lemuel Herrick, 8 January 1840, Box 2, Fd 30, MAP/MCL.

⁴⁴ *The Evening and Morning Star*, May 1834.

⁴⁵ Journal, 4 November 1833, Isaac McCoy Papers, Manuscript Division of Kansas State Historical Society, Topeka Kansas. Hereafter cited as Isaac McCoy Papers.

⁴⁶ Journal, 5 November 1833, McCoy Papers.

men “who desired to make an excursion in the upper Mormon settlement in order to take the guns which might yet be found among them.” Fearing that some of the Mormons would likely be killed, McCoy proposed going with the men. Some in the company, “bent on avenging the deaths and wounds which had been occasioned by the Mormons, objected. Several advised [him] to proceed to town, [however,] a few expressed a wish that [he] should go with the company.” As he traveled with the men he discovered many “were determined to kill.” When they arrived at the Mormon settlement, McCoy stated that there was need “to regulate the conduct of the rash. Two guns were at one time cocked for the purpose of shooting a Mormon, when I rushed forward and prevented. I had to use similar efforts afterwards to prevent one from being beaten with a stick, and another with a gun.” When the company approached Mormon homes to search for arms McCoy “prevailed upon the company to stop a little from houses, and allow [him] or two only to approach and ask for their guns.”⁴⁷ It was in this role that Mormon witnesses observed him “ordering [them] to leave immediately, and surrender every thing in the shape of arms.”⁴⁸ When night came on the company dispersed and McCoy returned home satisfied he “had been the means of saving several Mormons from being murdered on that day, and from suffering severely in other respects.”⁴⁹

Again the next morning McCoy traveled to Independence. Like the previous day he met a company of men on their way out of town. In contrast to the day before, this company purportedly went to patrol the settlements “to see that the Mormons should not be molested in their preparations to get off, to guard them when necessary, and to show

⁴⁷ Journal, 6 November 1833, Isaac McCoy Papers.

⁴⁸ Pratt, *History of the Late Persecution*, 70.

⁴⁹ Journal, 6 November 1833, Isaac McCoy Papers.

them that they certainly could not be allowed to remain [in Jackson County] any longer.” This account, if accurate, shows that some in Jackson County, whether they agreed or not with their neighbor’s mistreatment of the Mormons, recognized the necessity of compelling Mormons to leave. McCoy indicated in his journal that Jackson County was on the brink of chaos. “On our side was no order – or arrangements,” he wrote, “every one was doing what seemed right in his own eyes.”⁵⁰ Such a precarious state of affairs may explain why McCoy so zealously demanded Mormons give up their firearms and leave at once. Thus, despite Mormon perception to the contrary, some Missourians may have participated in expelling them from the county to prevent further violence and to spare human life. By Thursday, November 7, a week after retaining legal counsel to defend their rights, Mormon exiles took refuge in temporary shelters along the Missouri River in the midst of winter. Describing their plight, Parley Pratt wrote:

Every member of the society was driven from the county, and fields of corn were plundered and destroyed. Stacks of wheat were burned – household goods plundered, and improvements and every kind of property lost and at length no less than TWO HUNDRED AND THREE HOUSES BURNED.⁵¹

In the weeks following the expulsion, newspapers across the state condemned the vigilantes and called upon Governor Dunklin to intervene. The *Daily Missouri Republican* reported on what it considered the deplorable state of lawlessness in Jackson County, “We fear that the party opposed to the Mormons will think themselves placed so far beyond the pale of law as to continue utterly regardless of it...” Explaining the necessity of executive intervention the article continued, “The *power of the county* not being available in this case, for almost all are concerned in the insurrection -- the

⁵⁰ Journal, 7 November 1833, Isaac McCoy Papers.

⁵¹ Pratt, *History of the Late Persecution*, 71-72.

Governor should issue his Proclamation, calling out the Militia of the neighboring counties, to enforce the laws, and to quell the riot.”⁵² In a similar tone, the *St. Louis Advocate* proclaimed:

Whenever the [ordinary tribunals of] the country are found incompetent to preserve the supremacy of the laws, the peace and harmony of society...the Executive, as the [constant] guardian of the laws and rights of the citizens, is bound to interpose and check the evil.⁵³

Two weeks after their expulsion, the legal counsel representing the Mormons received a communication from the attorney-general of Missouri offering assistance on behalf of Governor Dunklin.

Importuning for redress at the feet of the governor

Daniel Dunklin was born and raised in South Carolina. At age seventeen he moved to Kentucky and three years later to Missouri, where he practiced law in Potosi. In 1828 he was elected lieutenant-governor, which position he held until 1832 when he became his party’s candidate to run for governor. It was during this election that Dunklin’s political enemies recounted the following incident:

As lieutenant-governor he had presided over the Senate, and it was related that the weather being cold some of the Senators shut the door of the Senate chamber whereupon Dunklin remarked that the State Constitution provided that the Senate should sit with open doors, and therefore he instructed the sergeant-at-arms to keep, literally, the door open.⁵⁴

Although the incident may be apocryphal, Dunklin had the reputation of interpreting constitutional powers strictly, particularly when it came to his staunch support of state’s

⁵² “The Mormons and Anti-Mormons,” *Daily Missouri Republican*, St. Louis, 15 Nov. 1833.

⁵³ From the *St. Louis Advocate* as reprinted in *Missouri Intelligencer*, Columbia, 30 November 1833. See also “Matters and Things,” *Jeffersonian Republican*, Jefferson City, 30 November 1833.

⁵⁴ Buel Leopard and Floyd C. Shoemaker, *Messages and Proclamations of the Governors of the State of Missouri* (Columbia, Missouri: The State Historical Society of Missouri, 1921:219.

rights. For Dunklin, contemporary issues such as the Second Bank of the United States, the Supreme Court case *Cherokee Nation v. Georgia*, national tariffs, and federal internal improvements embodied centralized threats to state rights. His fear of federal encroachment and his narrow interpretation of the constitution shaped his reaction to these major issues.⁵⁵ Dunklin's strict constructionist view of federal constitutional power carried over into his interpretation of his powers as outlined in the Missouri state constitution. Consequently, Dunklin used his gubernatorial powers conservatively throughout his tenor in office.⁵⁶

Besides political ideology, one would think the governor's associations with citizens in Jackson County and his attitude toward the Mormons generally might have influenced his response to the conflict. Such associations and attitude are revealed in a letter to a reverend friend in 1834. Dunklin wrote:

I have no regard for the Mormons as a separate people and have an utter contempt for them as a religious sect; while upon the other hand I have much regard for the people of Jackson county, both personally and politically: they are, many of them, my personal friends, and nearly all of them are very staunch democrats.⁵⁷

One of his friends from Jackson County, at least politically, was his Lieutenant-Governor, Lilburn W. Boggs. Boggs had participated on the side of the vigilantes, albeit in a conciliatory role. Despite Dunklin's personal feelings towards each opposing side, he wrote of his determination to carry out his duties impartially as governor. "All of these things," speaking of his attitude and feelings toward each side, "are secondary

⁵⁵ See Daniel Dunklin to "Dear Sir," 1 June 1832, Daniel Dunklin Papers, 1815-1877, Western Historical Manuscript Collection, University of Missouri-Columbia. Hereafter cited as DDP/WHMC. Also Dunklin to "Dear Sir," 26 May 1832; Dunklin to "Dear Cousin," 11 August 1834, DDP/WHMC. See also James Roger Sharp, "Governor Daniel Dunklin's Jacksonian Democracy in Missouri, 1832-1836," *Missouri Historical Review* 56 (April 1962): 217-229.

⁵⁶ Perry McCandless, *A History of Missouri: 1820-1860* (Columbia: University of Missouri Press, 1972), 98-101.

⁵⁷ Daniel Dunklin to Joel Haden, 15 August 1834, DDP/WHMC.

considerations when my duties are brought in question.”⁵⁸

The first communications sent to the Mormons after their expulsion demonstrated the Governor’s intent to fulfill his executive duties by extending assistance to the beleaguered saints. In his letter to legal counsel for the Mormons, Attorney-General R.W. Wells wrote:

From conversation I have had with the Governor, I believe I am warranted in saying to you, and through you to the Mormons, that if they desire to be replaced in possession of their property, that is, their houses in Jackson County, an adequate force will be sent forthwith to effect that object... The militia have been ordered to hold themselves in readiness.⁵⁹

In addition to offering assistance to repossess their lands and homes, the Attorney-General suggested Mormons “organize themselves” into “a regular company of militia,” which would allow them to “be supplied with public arms.”⁶⁰ Thus Wells outlined a plan to help the disposed Saints regain and then retain their homes and property.

A few days after Wells’ correspondence, Judge Ryland wrote a letter to Amos Reese, a circuit court attorney and a member of the counsel representing the exiled Saints. Judge Ryland wrote that the Governor requested he look into the “outrages” committed against the Mormons and “take steps to punish the guilty and screen the innocent.”⁶¹ He desired to know if the Mormons were “willing to take legal steps against the citizens of Jackson County” and “whether they wish[ed] to return there or not.” Ryland assured Reese he was ready “to go any time to Jackson county, for the purpose of holding a court of inquiry.” If necessary, “the military force [would] repair to Jackson

⁵⁸ Ibid.

⁵⁹ R.W. Wells to Messrs. Doniphan and Atchinson, 21 November 1833, in *HC*, 1:446.

⁶⁰ Ibid.

⁶¹ Judge Ryland to Amos Reese, 24 November 1833, in *HC*, 1:446.

county, to aid [in] the execution of any order” handed down by him.⁶²

Considering the Mormon expulsion a disgrace to the state of Missouri, Ryland urged action to bring the perpetrators to justice.

After reading the letters of the Attorney-General and District Judge, leading members of the church in Missouri wrote to Governor Dunklin. With their people driven and scattered, destitute of common necessities in the midst of winter and without arms to protect themselves, they officially petitioned the Governor for “aid and assistance” to restore them to their lands and homes. Moreover, they desired the militia of the state or a detachment of the United States Rangers to remain in Jackson County to protect them until peace could be restored. Furthermore, they asked permission to organize themselves into companies of Jackson Guards and requested arms from the state “to assist in maintaining their rights against the unhallowed power of the mob of Jackson county.” Once secure and protected in their “persons and property” church leaders desired “a court of inquiry instituted, to investigate the whole matter of the mob against the ‘Mormons.’”⁶³ Enclosed with the letter was a brief note from W.W. Phelps, editor of the Mormon newspaper in Jackson County. Phelps again emphasized church leaders’ main concern. “We intend to return to Jackson County,” Phelps insisted, “as soon as arrangements can be made to protect us *after* we are reinstated in our possessions.” He continued, “We do not wish to go till we know that our lives are not in danger from a lawless mob.” Church leader made it clear they would not feel safe without an armed

⁶² Ibid.

⁶³ W.W. Phelps, Isaac Morley, John Whitmer, Edward Partridge, John Corrill, and A.S. Gilbert to Daniel Dunklin, 6 December 1833, in *HC*, 1:451-452.

force policing vigilante activity and safeguarding their lives.⁶⁴

A few months later Governor Dunklin wrote in reply:

I am very sensible indeed of the injuries your people complain of, and should consider myself very remiss in the discharge of my duties were I not to do everything in my power consistent with the legal exercise of them, to afford your society the redress to which they seem entitled.⁶⁵

The governor granted the Mormon request for military aid in returning to their homes in Jackson County. As to their request for keeping up a military presence to prevent the commission of further crimes and injuries, the governor felt doing so “would transcend the powers with which the Executive of this state is clothed.” The state constitution empowered the governor as commander-in-chief to “take care that the laws [were] faithfully executed” and, if necessary, to call up state militia to put down threatened or actual invasion, insurrection, war, public danger, or other emergencies. However, Governor Dunklin felt these provisions did not apply to the Mormon request.⁶⁶ Dunklin interpreted the clause “other emergency” to apply only to emergencies of a public nature that affected the whole state, not just a limited group of citizens. Paradoxically, in the very next sentence the governor conceded that the Mormon case was a “very emergent one, and the consequences as important to your society, as if the war had been waged against the *whole state*...” The Governor continued, “for that which is the case of the ‘Mormons’ today, may be the case of the Catholics tomorrow, and after them, any other sect that may become obnoxious to a majority of the people of any section of the state.”⁶⁷

Dunklin was willing to use state militia to escort Mormons back to their homes, but

⁶⁴ W. W. Phelps to Daniel Dunklin, 6 December 1833, in *HC*, 1:451-452.

⁶⁵ Daniel Dunklin to W.W. Phelps, et al., 4 February 1834, in *HC*, 1:479.

⁶⁶ *Ibid.* The Missouri State constitution also called on the governor to be “*a conservator of the peace throughout the state.*” Emphasis added. *The Missouri State Constitution* (1820), Article XIII. Declaration of Rights. <http://clio.missouristate.edu/ftmiller/localhistory/docs/moconst1820.htm>.

⁶⁷ *Ibid.* Emphasis added.

maintaining a standing army in Jackson County to protect them once they returned fell outside of his constitutional authority.

Americans in the early republic had an antipathy toward a strong military establishment. They viewed standing armies in time of peace with distrust. Consequently, an institution that would become a common part of every community was absent during this turbulent era – namely preventative police departments. In their absence, “disaffected, mobilized, and committed groups in Jacksonian America were relatively free to express their dominance, test their opponents’ strength, or express their unhappiness by means of force.”⁶⁸ Before the introduction of modern police departments, communities elected local constables or sheriffs to preserve the peace. However, these were too few and often showed reluctance to get involved in public disorders against unpopular minorities. Few sheriffs would “risk their reelection chances by trying to protect abolitionists, blacks, Mormons, or other social outcasts from the righteous indignation of their constituents.”⁶⁹ Once social disorders went beyond the control of the sheriff, local authorities organized citizen volunteers into posses or formed vigilance committees to keep the peace or bring offenders to justice. If these measures failed, or the nature of the disorder called for it, state militias were called out. Thus, whether organized into posses, as vigilantes, or as part of the militia, average citizens took an active part in regulating and policing their local community.

Rather than keep up a standing army in Jackson County, Governor Dunklin

⁶⁸ Michael Feldberg, *The Turbulent Era: Riot and Disorder in Jacksonian America* (New York: Oxford University Press, 1980), 126.

⁶⁹ *Ibid.*, 111. In Jackson County, both William Brown, the constable, and Thomas Pitcher, the deputy constable, joined the vigilantes and signed their name to the “Secret Constitution” demanding Mormons leave the county. See Smith, *HC*, 1:374-376.

pointed to the right of Mormons to arm and protect themselves. The state constitution granted “the people of [Missouri]...the inherent, sole, and exclusive right of regulating the internal government and police thereof.”⁷⁰ Reflecting American tradition, citizens of the state had a “right to bear arms, in defense of *themselves* and of the state.”⁷¹ Dunklin, in his letter went even further. The Mormons not only had a *right* to organize into a militia unit and bear arms in their defense, but they had a “*duty* to do so,” unless exempted by religious principles.⁷² In essence, preventive policing was the responsibility of the people locally, not the state or federal government. For a governor to send a militia from one county to another for the sole purpose of policing a community in time of peace would have been viewed as a British-like invasion of that community’s sovereign right to popular self-rule. “The militia system was carefully designed to protect liberty through localism,” legal scholar Akhil Reed Amar argues, “the militia was a local institution, bringing together representative citizens to preserve popular values of their society.”⁷³ Thus, if internal or external forces threatened local values or liberties, the local militia could muster in defense of their community.

The problem in Jackson County was that the Mormons and Missourians represented two competing communities. In essence, the governor’s recommendation of

⁷⁰ *The Missouri State Constitution* (1820), Article XIII. Declaration of Rights.
<http://clio.missouristate.edu/ftmiller/localhistory/docs/moconst1820.htm>.

⁷¹ *Ibid.*

⁷² Daniel Dunklin to W.W. Phelps, et al., 4 February 1834, in *HC*, 1:479.

⁷³ Akhil Reed Amar, *The Bill of Rights: Creation and Reconstruction* (New Haven: Yale University Press, 1998), 55-56. According to Amar, the predominance of state militias and the distrust of a national army lasted until the Civil War. The Fourteenth Amendment “reflected a much more sympathetic view of a national army and a much more skeptical view of state-organized militias.” *Ibid.*, 59. In his study of the federalized militia debate, Don Higginbotham found that “strong sentiments of localism and states’ rights...worked against federalizing the militia.” Furthermore he argued state militias “were highly politicized instruments that reflected majoritarian views in the state.” Consequently, the militia has “more often been [an agent] of state-level discrimination against minorities.” Don Higginbotham, “The Federalized Militia Debate: A Neglected Aspect of Second Amendment Scholarship,” *The William and Mary Quarterly* 55 (January 1998): 39-58.

organizing a militia in self-defense would pit one people and their representative militia against another. This would only aggravate the situation and escalate violence. If violence broke out, the governor could order outside militia units to the scene. However, by the time they arrived the violence may well have been out of hand. Moreover, if each side claimed to be in the right and the other in the wrong, what would prevent outside militia from simply joining in on the side of the one against the other.⁷⁴ This represented the problem with calling out the militia to put down rioting and mobbings in the Jacksonian era. “Nine times out of ten” the militia was “partisans on one side or the other in the contest,” wrote Governor Thomas Ford, who dealt with anti-Mormon violence in Illinois in the 1840s. “The militia may be relied upon to do battle in a popular service,” Ford continued, “but if mobs are raised to . . . expel an odious sect, the militia cannot be brought to act against them efficiently.”⁷⁵

Though unwilling to station militia in Jackson County for any extended period of time, the governor did make good on his promise to deploy a militia guard to protect state witnesses and “assist the civil authorities in apprehending and bringing to trial the persons offending the laws.”⁷⁶ On February 24, the Liberty Blues guarded Mormon witnesses to the place of criminal trial in Jackson County. According to the *Daily Missouri Republican*, after three hours Judge Ryland, the circuit attorney, and the attorney general concluded “it was entirely unnecessary to investigate the subject on the part of the State, as the jury were equally concerned [or involved] in the outrages

⁷⁴ Michael Feldberg, *The Turbulent Era*, 110-112.

⁷⁵ Thomas Ford, *History of Illinois: From Its Commencement as a State in 1818 to 1847* (Chicago: University of Illinois Press, 1995), 172.

⁷⁶ *Upper Missouri Enquirer*, 8 March 1834 as quoted in Smith, “Current Reports,” *Journal of History*, 8:485.

committed.”⁷⁷ According to a Mormon account of the proceedings, “The Attorney-General of the state, and the District Attorney, knowing the force and power of the mob, advised us to relinquish all hope of criminal prosecution to effect anything against the band of outlaws.”⁷⁸ Judge Ryland adjourned the court, ordered the captain of the militia to return to Liberty and discharge his men. W.W. Phelps, writing several days later to church leadership in Ohio, lamented, “the bold front of the mob...was not to be penetrated by civil law, or awed by executive influence.” Phelps concluded, “Thus ends all hope of ‘redress,’ even with a guard ordered by the Governor for the protection of the court and witnesses.”⁷⁹

Individual Mormons continued to seek recompense through civil suit. The governor had expressed his confidence that the courts would remunerate Mormons for their losses in Jackson County. “The laws are sufficient to afford a remedy for every injury of this kind,” the governor wrote, “and, whenever you make out a case entitling you to damages, there can be no doubt entertained of their ample award. Justice is sometimes slow in its progress, but is not less sure on that account.”⁸⁰ After the debacle of the criminal proceedings, Bishop Edward Partridge and W.W. Phelps retained their lawyers to represent them in civil suits against vigilante members for damages connected with the 20 July 1833 assault. Partridge sued for \$50,000 while Phelps alleged damages to the amount of \$55,500 for the loss of his printing office, press and lost business. In response to Partridge’s complaint of assault, the forty or more defendants all pled self-

⁷⁷ “The Mormon Difficulties,” *Daily Missouri Republican*, St. Louis, 10 March 1834.

⁷⁸ A. S. Gilbert, W.W. Phelps, and Edward Partridge to President the President of the United States, 10 April 1834, in Smith, *HC*, 1:486.

⁷⁹ Smith, *HC*, 1:481-482.

⁸⁰ Daniel Dunklin to W.W. Phelps, et al., 4 February 1834, in *HC*, 1:479.

defense, alleging that Partridge “single-handedly had threatened each man ‘and would then and there have beat, bruised and ill treated’” each one had they not defended themselves. In the course of self-defense the defendants did “a little, rend, tare and damage the clothes of the said plaintiff.” After throwing Partridge down, again in self-defense, he “became a little covered and besmeared with tar, pitch and feathers...doing no unnecessary damage to the plaintiff.” Similarly, in Phelps’ case, the defendants did not deny the allegations of violence, but explained “they had torn down the [printing office] at the request of the true owner.” However, the defendants did not agree among themselves as to the identity of the actual owner. The circuit court found the defendants guilty and awarded Partridge “a peppercorn and one penny,” and Phelps \$750.⁸¹ Thus, together, they recovered less in damages than their \$800 attorney fees.

A few days after the failed criminal proceedings word of further violence in Jackson County reached Mormon leaders. Just as they had feared, vigilantes attacked those few Mormon families who had recently returned to their homes and lands. One Mormon woman reported that a company of fifty to sixty men armed with guns and whips come to her home. Her husband, Lyman Leonard, had a chair broken over his head after he refused to leave his home. The men dragged Leonard out of the house, stripped him of his clothes and beat him with whips and clubs, leaving him “very much lacerated and bruised.”⁸² Mormons Josiah Sumner and Barnet Cole suffered similar beatings. According to Mormon reports vigilantes commenced once more burning

⁸¹ Ray County Circuit Court, July 1836, Book A, 236-38, in Edwin Brown Firmage & R. Collin Mangrum, *Zion in the Courts: A Legal History of The Church of Jesus Christ of Latter-day Saints, 1830-1900* (Chicago: University of Illinois Press, 2001), 69-70.

⁸² Affidavit of Abigail Leonard, 11 March 1840, in Clark V. Johnson, ed., *Mormon Redress Petitions: Documents of the 1833-1838 Missouri Conflict* (Provo, Utah: Religious Studies Center, Brigham Young University, 1992), 273-274. See also W.W. Phelps to Joseph Smith, 27 February 1834, in *HC*, 1:483.

houses, hay stacks and other property. Such blatant attacks coupled with the thwarted criminal court proceedings, revealed how effectively vigilantes undermined the legitimacy of state authorities to enforce law and order in Jackson County.

Vigilantes showed further contempt for state authority when Governor Dunklin attempted to have confiscated Mormon arms returned. The governor had ordered a court to inquire into the conduct of Colonel Pitcher. The court ruled that Colonel Pitcher was not authorized to call out his troops on 5 November 1833. Consequently, he was not justified in requiring Mormons to give up their arms. Therefore, the governor ordered the fifty-two confiscated guns and one pistol be returned to the Mormons immediately.⁸³ The governor included a copy of the order in a correspondence to church leaders. A few days later the governor received word from Mormon leaders that over one hundred homes had recently been burned in Jackson County. Moreover, their arms had been “taken from the depository (the jail)...and distributed among the mob.”⁸⁴ Mormons never recovered their lost arms. Dunklin eventually had Colonel Pitcher arrested and tried by court martial for his role in driving the Mormons from the county. However, he was acquitted. Years later Pitcher would boast that his court martial “occupied six or seven months and cost the state over \$30,000.”⁸⁵

Importuning at the feet of the president

In a communication from their prophet in December 1833, Mormons in Missouri received a revelation outlining the word and will of the Lord. The revelation instructed the saints to seek redress “at the feet of the judge; and if he heed them not, let them

⁸³ Daniel Dunklin to Samuel D. Lucas, 2 May 1834, in *HC*, 1:491.

⁸⁴ A.S. Gilbert, W.W. Phelps to Daniel Dunklin, 7 May 1834, in *HC*, 1:492.

⁸⁵ Interview of Pitcher, in *Kansas City Journal*, June 24, 1881.

importune at the feet of the governor.” If they could not receive redress from the judge or governor, the revelation counseled Missouri saints to “importune at the feet of the president.”⁸⁶ On 10 April 1834, Mormon leaders sent a letter to President Andrew Jackson, petitioning him to send a military force to Jackson County to protect them in their religious and property rights.⁸⁷ In response, Secretary of War Lewis Cass sent church leaders in Missouri a letter explaining why the federal government could not intervene. The letter, dated 2 May 1834, was the only known correspondence from the Jackson administration to the Mormons. The letter from Cass reflected the volatile issue of state’s rights versus federal authority in the decades leading up to the Civil War. In responding to the request for military protection, Cass explained the constitutional limitations preventing federal intervention in Missouri. First, the offenses described by the Mormons were “violations of the laws of the state of Missouri, and not of the laws of the United States.” The constitution granted power to the President to deploy military force “only to proceedings under the laws of the United States.” Second, Cass wrote that if an insurrection against the state government existed “the President cannot call out a military force to aid in the execution of the state laws, *until the proper requisition is made upon him by the constituted authorities.*”⁸⁸

During the Constitutional Convention, the delegates debated whether or not the federal government should have power to put down insurrection or domestic violence in a state without a request from state authorities. The opinions were mixed. By the time of

⁸⁶ Smith, *HC*, 1:463.

⁸⁷ Letter to the President of the United States, 10 April 1834, in *HC*, 1:485-487. This letter mentioned a previous petition from Mormon leaders to the President sent in October 1833.

⁸⁸ Lewis Cass to A.S. Gilbert, W.W. Phelps, Edward Partridge, and others, 2 May 1834, in Smith, *HC*, 1:493; emphasis added.

the convention, James Madison had already expressed concern about majorities in a state violating the rights and interests of the minority.⁸⁹ Gouverneur Morris of New York expressed concern that the state “executive may possibly be at the head of the rebellion.” Therefore, “the General Government should enforce obedience in all cases where it may be necessary.” Delegates favoring state’s rights disagreed. Oliver Ellsworth of Connecticut voiced that “in many cases the General Government ought not to be able to interpose, unless called upon.” Elbridge Gerry of Massachusetts warned against “letting loose the myrmidons of the United States on a state, without its own consent.”⁹⁰ In the end, the constitution endorsed those favoring federal intervention only upon application of state officials. The final draft of article IV, section 4 of the Constitution read:

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; *and on Application of the Legislature, or of the Executive* (when the legislature cannot be convened) against domestic violence.⁹¹

Subsequent acts of congress attempted to further explain when the President of the United States had power to call forth the militia. The Militia Act of 1792 empowered the President, on application from state authorities, to call forth state militias to repel invasion from any foreign nation or Indian tribe and to put down insurrection in any state. Furthermore, section two of the Militia Act permitted the President to call forth the militia “whenever the *laws of the United States* shall be opposed, or the execution thereof obstructed, in any state.”⁹² This provision enabled federal government to call forth the militia to enforce federal law, but not state law. Therefore, this act authorized

⁸⁹ James Madison, *Journal of the Constitutional Convention*, ed. E.H. Scott (Chicago: Albert, Scott & Co., 1893), 546-547.

⁹⁰ John R. Vile, *The United States Constitution: Questions and Answers* (Westport, Conn.: Greenwood Press, 1998), 336.

⁹¹ *Ibid.*, 242; emphasis added.

⁹² Richard Peter, *The Public Statutes at Large of the United States of America* (Boston: Charles C. Little and James Brown, 1845), 1:264.

Washington during the Whiskey Rebellion and Jackson during the Nullification Crisis in South Carolina to call forth state militias to put down rebellion and enforce federal law.

In the case of the Mormons, Lewis Cass informed them that the offenses committed against them were “violations of the laws of the state of Missouri, and not of the laws of the United States.”⁹³ Therefore, according to the prevailing interpretation of the Constitution and federal militia laws, the president could not call forth state militias to put down domestic violence or execute state law in Missouri until Governor Daniel Dunklin made the necessary request of the federal government.⁹⁴ On 20 April 1834, responding to the request of Mormon elders to petition President Jackson for aid, Dunklin wrote, “I could no more ask the President, however willing I am to see your society restored and protected in their rights -- to do that which *I may believe he has no power to do*, than I could do such an act myself.”⁹⁵ According to the Governor, neither he, nor the President of the United States, had power to call forth and station an occupying force in Jackson County to maintain order, execute law, or protect Mormons.

To his Mormon constituents, the Governor acknowledged that the “laws, both

⁹³ Lewis Cass to A.S. Gilbert, W.W. Phelps, Edward Partridge, and others, 2 May 1834, in *HC*, 1:493. In February 1833, a few months before the letter to Jackson, the Supreme Court handed down a decision in a case that pertained both to states’ rights and to the subsequent Mormon petition for federal assistance. In *Barron vs Mayor of Baltimore*, the Marshall Court ruled that the Bill of Rights did not apply to the states in any way. States were not bound by the Bill of Rights to honor freedom of religion, protect property rights or ensure due process of law. Consequently, the federal government lacked the authority to protect citizens in their rights against state and local governments.

⁹⁴ A few months before Mormon leaders in Missouri petitioned the president for federal assistance, Andrew Jackson sent federal troops to suppress riots near Williamsport, Maryland. The President did so only after the Maryland legislature passed resolutions requesting federal military aid to suppress the riot of canal laborers. This marked the first time the President of the United States used federal troops to suppress domestic violence at the request of state authorities. Robert W. Coakly, *The Role of Federal Military Forces in Domestic Disorders, 1789-1878*, (Washington, D.C.: Center of Military History, United States Army, 1988), 103-105.

⁹⁵ Daniel Dunklin to Phelps, Partridge, Corrill, Whitmer, and Gilbert, 20 April 1834, in *HC*, 1:490. Emphasis Added.

civil and military, seem[ed] deficient in affording [their] society proper protection.”⁹⁶

Dunklin believed that unless the state legislature amended the constitution in some way Mormons could not receive redress. Consequently, in November 1834, he addressed the General Assembly of the state. In his message, Dunklin related the events of the Mormon expulsion from Jackson County and the state’s failed judicial attempt to bring perpetrators to justice. “Under our present laws,” he contended, “conviction for any violence committed upon a Mormon, cannot be had in Jackson County.” Dunklin continued, “These unfortunate people are now forbidden to take possession of their homes; and the principal part of them, I am informed, are at this time living in an adjoining county, in great measure, upon the charity of its citizens.” In conclusion, Dunklin called on the legislature to “determine what amendments the laws may require so as to guard against such acts of violence for the future.”⁹⁷

The Governor’s message was assigned a committee who petitioned Dunklin for “any information” in his possession relating to the “late disturbances in Jackson County.”⁹⁸ The Governor submitted newspaper articles, correspondences, and affidavits from the respective parties. In addition to the information Dunklin provided, Mormon leaders flooded the state legislature with their own petitions. More than a year passed before Dunklin wrote Mormon leaders informing them that the General Assembly “did not legislate upon the subject.” Dunklin offered the following explanation, “I am...persuaded that it was for want of a constitutional power to pass any law that could

⁹⁶ Dunklin to W.W. Phelps, Edward Partridge, John Corroll, John Whitmer, and A.S. Gilbert, 20 April 1834, in *HC*, 2:490.

⁹⁷ Daniel Dunklin to State Legislature, 18 November 1834, in Buel Leopard and Floyd Shoemaker, *Messages and Proclamations of the Governors of the State of Missouri*, 1:246-247.

⁹⁸ *Ibid.*

afford you a proper remedy [that] prevented their acting upon the subject.”⁹⁹ Thus, civil and military laws were deficient in providing protection, the courts were impeded in meting out justice, while the legislature, governor and President of the United States were wanting in constitutional power to do anything about it.

In his final correspondence to church leaders in the summer of 1836, Governor Dunklin again acknowledged the unjust treatment of the Mormon people by Missouri citizens. “The treatment your people have received and are now receiving,” he wrote, “is of an extraordinary character, such as is seldom experienced in any country by any people.”¹⁰⁰ Individually he sympathized with them and as the executive the state, “deeply deplore[d] such a state of things.” “Your appeal to the executive is a natural one,” wrote Dunklin, “but a proper understanding of our institutions will show you that yours is a case not for the special cognizance of the executive.” Dunklin felt that the wrongs committed against the Mormons constituted cases of individual wrongs and therefore, were “subjects for judicial interference.”¹⁰¹ He quickly conceded, however, that “there are cases sometimes of individual outrage which may be so popular as to render the action of courts of justice nugatory, in endeavoring to afford a remedy.” In such instances “public sentiment may become paramount law.”¹⁰²

Dunklin’s letter reflected the difficulty constituted authorities had in executing the laws in the face of popular support for an illegal cause. It was not uncommon for institutional authorities to bow to popular sovereignty when public opinion called for action in violation of state or federal law. Invoking a higher law of social preservation,

⁹⁹ Dunklin to W.W. Phelps and others, 22 January 1836, in *HC*, 2:383-384.

¹⁰⁰ Daniel Dunklin to W.W. Phelps and Others, 18 July 1836, in Smith, *HC*, 2:461.

¹⁰¹ Smith, *HC*, 2:461.

¹⁰² Dunklin to W.W. Phelps and Others, 18 July 1836, in Smith, *HC*, 2: 461-62.

Amos Kendall, President Andrew Jackson's postmaster general, sanctioned destroying abolitionist mail flooding into the South. "We owe an obligation to the laws," wrote Kendall, "but a higher one to the community in which we live and, if the former be perverted to destroy the latter, it is patriotism to disregard them."¹⁰³ Kendall's sentiments reflected the spirit of popular rule in the age of Jackson. In September 1836, when a crowd organized to destroy the printing press of abolitionist Elijah Lovejoy, Mayor John Krum of Alton, Illinois arrived and asked the men to disband. Members of the crowd replied they would as soon as they had destroyed the press, whereupon the mayor granted them time to finish their illegal objective.¹⁰⁴ Governor Thomas Ford of Illinois admitted that "where large bodies of people are associated to accomplish with force an unlawful but popular object, the government is powerless."¹⁰⁵ Unable to prevent citizens of Hancock County from mobbing Mormons in 1844-1846, Ford suggested the Mormons leave the state.

Feeling powerless in the face of popular support against the Mormons, Governor Dunklin finally succumbed to the legitimacy of popular rule in Jackson County. He reasoned that "when one man or society of men become so obnoxious" to public sentiment "as to determine the people to be rid of him or them, it is useless to run counter to it." As for the accusations of Missourians against the Mormons "whether true or false, the consequences will be the same," wrote Dunklin, unless Mormons could prove their innocence by conduct and argument. "If you cannot," Dunklin concluded, "all I can say to you is that in this Republic the *vox populi* is the *vox Dei* (the voice of the people is the

¹⁰³ Amos Kendall to Alfred Huger, 9 August 1835, in David Grimsted, *American Mobbing, 1828-1861* (New York: Oxford University Press, 1998), 7.

¹⁰⁴ Feldberg, *The Turbulent Era*, 48-49.

¹⁰⁵ Ford, *A History of Illinois*, 173.

voice of God).”¹⁰⁶

Conclusion

In his classic study of America in the 1830s, Alexis de Tocqueville believed majority rule, with its unlimited and unchecked power, had the danger of degenerating into tyranny. When the popular opinion of the people trampled the rights of a minority “to whom can [they] apply for redress?” Tocqueville queried. He continued:

If to public opinion, public opinion constitutes the majority; if to the legislature, it represents the majority, and implicitly obeys its injunctions; if to the executive power, it is appointed by the majority, and remains a passive tool in its hands; the public troops consist of the majority under arms; the jury is the majority invested with the right of hearing judicial cases.

Therefore, Tocqueville concluded, “However iniquitous or absurd the evil of which you complain may be, you must submit”¹⁰⁷ In 1833, the local citizens in Jackson County created a “tyranny of the majority” when they drove the Mormons from their lands and homes. To accomplish their design, vigilantes, under false pretense, called out the militia. The militia system served as a local bulwark against internal and external forces that threatened community values and liberties. The militia served as a tool to aid local communities in defending, policing and regulating their society. The Jackson County militia enabled vigilantes to “officially” and effectively disarm and forcefully remove the unwanted Mormon community from their homes. As a result, vigilantism and popular sovereignty became paramount law.

Governor Dunklin, his attorney general and the courts proved insufficient to challenge the superior power of the Jackson County people to govern and regulate their

¹⁰⁶ Daniel Dunklin to W.W. Phelps and Others, 18 July 1836, in Smith, *HC*, 2: 461-62.

¹⁰⁷ Alexis de Tocqueville, *Democracy in America*, trans. Henry Reeve (New York: Bantam Classic Book, 2000), 302. Alexis de Tocqueville, a French historian and political thinker, lived from 1805-1859.

community. The local orientation of the courts and their juries made criminal prosecution unattainable, as the attorney general witnessed. When petitioned to send a standing army to protect them from further vigilante activity, Governor Dunklin refused, for preventative policing was not the responsibility of the state or federal governments but rather a responsibility of the people locally. As a strict constructionist of federal and state constitutional authority, Dunklin limited his power so as not to encroach upon responsibilities and powers reserved to the people locally. As the executive of the state, Dunklin acknowledged the deficiency of the Missouri constitution and laws to afford an unpopular minority protection from an overbearing majority. Thus, at least according to the governor, the state lacked sufficient power to intervene in local matters to protect Mormons in their rights. Feeling powerless, Governor Dunklin eventually conceded to popular rule in Jackson County. Likewise, submitting to the limitations of the federal constitution, the Jackson Administration bowed to the local will and sovereignty of the state. Consequently, the Mormons failed to receive protection and redress from local, state and federal authorities for depredations committed against them. As the Mormons in Jackson County discovered, the ultimate authority resided not in the state or federal government, nor in the constituted laws of the land, but with the local people, for in America “the *vox populi* is the *vox Dei*.”¹⁰⁸

¹⁰⁸ Daniel Dunklin to W.W. Phelps and Others, 18 July 1836, in *HC*, 2:461-62.

CHAPTER V

CONCLUSION

In a letter written to Thomas Jefferson outlining the struggle to adopt a bill of rights to the Constitution, James Madison argued that such declarations of rights by states had not always succeeded in protecting liberties. “Repeated violations of these parchment barriers have been committed by overbearing majorities in every state,” Madison wrote, “In Virginia I have seen the bill of rights violated in every instance where it has been opposed to a popular current.” Madison saw the greatest threat to liberty coming not from federal authority but rather arising from the local community. “The prescriptions in favor of liberty ought to be leveled against that quarter where the greatest danger lies,” Madison argued, “namely, that which possess the highest prerogative of power. But this is not found in either the executive or the legislative departments of [the Federal] Government, but in the body of the people, operating by the majority against the minority.”¹ Consequently, Madison introduced an amendment to protect the rights of conscience against state and local interference. In debating Madison’s amendment, one representative voiced the general opinion shared by later Jacksonians, “It will be much better . . . to leave the state governments to themselves, and not to interfere with them more than we already do.”² Congress voted down the proposed amendment.

This philosophy of leaving a state, or in the case of state governments, leaving a local community to itself, to direct its own affairs, represented a dominant strand of

¹ Ralph Louis Ketchum, *James Madison* (New York: Macmillan, 1971), 290.

² “Amendments to the Constitution,” 17 August 1789, *Annals of Congress* 1:729-731, in Steven Waldman, *Founding Faith: Providence, Politics, and the Birth of Religious Freedom in America* (New York: Random House, 2008), 151.

constitutionalism in the United States until the eve of the Civil War. Self-government was the collective right of a people to control and regulate their local community interests. The conflict in Jackson County, which resulted in the expulsion of twelve hundred Mormons, represented a collision of two locally-minded groups of people, each determined to rule themselves. While past studies have emphasized divergent beliefs, values and lifestyles among Mormons and Missourians as cause for conflict, this study has shown how their cultural similarities influenced their perception and behavior toward one another.

Both communities claimed Jackson County as their sovereign land, the Mormons by divine entitlement and the Missourians as the first settlers. Each felt local society should replicate the popular will or morality of their respective communities. Mormons and Missourians alike valued homogeneity over difference and preferred exclusion rather than inclusion. Thus both communities, to varying extents, displayed intolerance toward dissent. Significantly, this last point belies the argument made by historians that Mormonism represented “a protest against America’s pluralism.”³ As the conflict in Jackson County demonstrates, Missouri citizens also rejected cultural and religious pluralism by expelling the Mormons. While the United States as a whole permitted diversity, local communities, particular those sparsely settled, demanded conformity. When this failed, competing groups turned to violence, as was the case in Jackson County. Instead of a protest against pluralism, early Mormon religious expression held to

³ Kenneth Winn, *Exiles In A Land of Liberty: Mormons in America, 1830-1846* (Chapel Hill: The University of North Carolina Press, 1989), 99. Pluralism allows for dissent and permits individuals and groups to pursue distinctive ways of life. See also Marvin S. Hill, *Quest For Refuge: The Mormon Flight From American Pluralism* (Salt Lake City, Utah: Signature Books, 1989). Hill contends that Mormon anti-pluralism “was the main cause of persecution.” *Ibid.*, 181.

a cultural tradition that linked popular self-rule to relative uniformity within a given community.

That is not to say that divergent opinions, beliefs, and values did not exist within the Mormon and Missouri communities. There is danger in treating both groups as simply a massive undifferentiated and rigid whole. The conflict in Jackson County shows that many Missourians participated directly in vigilante action against the Mormons. Others remained aloof, not countenancing or protesting against expelling the Latter-day Saints. Still a few, like Isaac McCoy, intervened and tried to mitigate violence and bloodshed. Likewise, not every Mormon boastfully proclaimed Jackson County as their God-given inheritance. Some Mormons, including leaders of the church in Missouri, struggled with Joseph Smith's revelatory leadership. Many disobeyed instructions from Smith concerning when and how they removed to Jackson County. Thus while Mormons and Missourians excluded those from their community who would not measurably conform to their standards, a certain level of dissent existed within their own ranks. The difficulty lies in knowing the extent to which an individual or group could deviate from societal norms and expectations before raising the ire of the rest of the community.

A primary reason Missouri vigilantes sought to exclude Mormons from Jackson County was their unwillingness to share local political power with them. In their view, Mormons could not be trusted with such power because of their peculiar beliefs,

particularly their claim to special revelation.⁴ An analysis of the conflict through the lens of American localism reveals the extent to which Mormon revelation challenged customary notions of local sovereignty, authority and control. The top down, authoritarian, and distant revelatory claims of Mormons directly challenged the bottom up, popular, and locally controlled authority of the people in Jackson County. If Mormons became the majority, Missourians feared local authority would reflect the heavenly mandates of a distant prophet as Latter-day Saints acted out his revelations. What Missourians did not consider was that many of their Mormon counterparts in Jackson County had similar misgivings about their prophet's revelatory leadership. In recent years, American society has continued to question whether a Mormon can be trusted with the power of the highest position in the nation's government because of his unconventional beliefs.

Although many Jackson County citizens may have been permissive spectators rather than active participants, Missouri vigilantes represented themselves and their actions as reflecting the will of "the people." Vigilantes proclaimed they acted as the designated "organ of [Jackson] county."⁵ Citing the law of self preservation and right to revolution, Missouri vigilantes bypassed constituted law and authority in the name of local popular self-rule. Their popular will did not replace but transcended established law. They did not spurn law or due process, but superseded and overruled it when such became insufficient to express their popular will. Therefore, acting as an extralegal

⁴ See "Regulating the Mormonites," *Daily Missouri Republican*, St. Louis, Missouri, 9 August 1833. Also "The Manifesto of the Mob," in *HC*, 1:375-376; Alexander Majors, *Seventy Years on the Frontier: Alexander Majors' Memoirs of a Lifetime on the Border*, ed. Colonel Prentiss Ingraham (Columbus, OH: Long's College Book Co., 1950), 50; McCoy, *Kansas City Journal*, 18 January 1885.

⁵ *Daily Missouri Republican*, 9 August 1833.

structure of justice, they adopted legal terms, procedure and personnel to add further legitimacy to their actions. Drawing on the common law tradition, they characterized Mormons as a public nuisance. Consequently, they voted to expel the Mormons to preserve the moral wellbeing of their local community. Clearly, the Missourians felt the private rights of the Mormons were subordinate to the majoritarian interests of the community. It would take three more decades before two new amendments to the Constitution recognized the salient truth that in a republican government “the minority have indisputable and inalienable rights; that the majority are not everything and the minority nothing; that the people may not do what they please, but that their power is limited to what is just to all composing society.”⁶

In 1833, however, little if any limits existed to prevent a local majority from infringing upon the rights of individuals or minorities. In the early American republic, citizens did not see the greatest threat coming from within their community, but rather from overbearing centralized governments. Consequently, nothing was put in place to prevent abuse of power at the local level. In Missouri, local communities retained primary responsibility for policing and regulating their community. When Governor Dunklin and state authorities attempted to intervene, local vigilantes effectively undermined their authority. Feeling powerless, Governor Dunklin resigned himself to the sovereignty of the local people. Popular sentiment determined innocence or guilt. The passions and prejudice of the people suspended constituted due process, fixed penalties and meted out retribution. Local majoritarian rule triumphed in the state of Missouri.

⁶ Chief Justice Joseph Story, in Meg Jacobs, William J. Novak, and Julian E. Zelizer, ed., *The Democratic Experiment: New Directions in American Political History* (Princeton, N.J.: Princeton University Press, 2003), 110.

Consequently, the Mormons were driven from Jackson County not necessarily for a want of law and order in Jackson County, but rather because of the superior power of the self-governing citizenry to regulate their community interests without the state intervening.

Unable (or perhaps unwilling) to help Mormons regain their lands in Jackson County, Missouri state lawmakers sought to isolate the Latter-day Saint population in hopes of preventing further conflict with non-Mormon citizens. In December 1836, Alexander W. Doniphan, a member of the General Assembly and friend to the Mormons, introduced a bill organizing Caldwell County as a place for the Mormons to live. Just a few months prior, citizens of Clay County, who had previously welcomed the fleeing Latter-day Saints from Jackson County, asked Mormons to leave and settle elsewhere. Doniphan, a resident of Clay County and lawyer to the Saints, joined other leading citizens in asking the Mormons to leave to avoid civil discord. Designed to serve as an exclusive place of settlement for the Mormon people, Caldwell County essentially segregated the Latter-day Saints from the rest of the non-Mormon population.⁷ However, within a few years violent conflict once again erupted. Drawing on the precedent set in Jackson County, Missourians in neighboring counties, with the support of the state executive, drove the Mormons from the state all together. Twenty years later, in the conflict over “Bleeding Kansas” border ruffians from Missouri continued to look to the Mormon expulsion as a model to follow. “We are organizing,” Missouri Senator David Atchinson told Jefferson Davis. “We will be compelled to shoot, burn & hang, but the

⁷ See Stephen C. LeSueur, *The 1838 Mormon War in Missouri* (Columbia: University of Missouri Press, 1987), 25.

thing will soon be over. We intend to ‘Mormonize’ the Abolitionists.”⁸

For more than a decade after their expulsion from Jackson County, Mormons petitioned the federal government for redress. Limited by the constitution and the prevailing philosophy of states’ rights and popular sovereignty, the federal government refused Mormon requests to intervene in the state of Missouri. The Mormon case did not “come within the jurisdiction of the Federal Government, which is one of limited and specific powers,” wrote former Vice President John C. Calhoun to Joseph Smith.⁹ Infuriated by government inaction and believing it had apostatized from the true form of government established by the nation’s founders, Mormon prophet Joseph Smith declared his own candidacy for United States President in 1844. In his political platform, Smith supported expanding federal authority to protect every man in his constitutional freedom by granting “the president full power to send an army to suppress mobs; and the states authority to repeal and impugn that relic of folly, which makes it necessary for the governor of a state to make the demand of the president for troops, in case of invasion or rebellion.”¹⁰ Ultimately, Smith was assassinated and the Mormons driven from the States. Failed attempts at redress from the hands of state and federal governments alienated Latter-day Saints, who eventually looked to themselves and God for protection by setting up their own sovereign theocratic kingdom in the West.

⁸ James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 146.

⁹ J.C. Calhoun to Joseph Smith, 2 December 1843, in *HC*, 6:156.

¹⁰ Joseph Smith, *Views of the Powers and Policy of the Government of the United States*, in *HC*, 6:206.

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