

“High Treason and Murder”: The Examination of Mormon Prisoners at Richmond, Missouri, in November 1838

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The Richmond court of inquiry, the preliminary hearing that sent Joseph Smith and other Latter-day Saint leaders to jail following the so-called Mormon War of 1838 in Missouri, has long been viewed within the LDS community as a sham trial, held by Missouri officials to give legal covering to their persecution of the Saints. Joseph Smith labeled it a “mock examination” in which “there was not the least shadow of honor, or justice, or law, administered toward them, but sheer prejudice, and the spirit of persecution and malice.”¹ According to Mormon accounts, the chief witnesses for the state were apostates and persecutors who swore to all manner of lies. In addition, Missouri officials allegedly denied the defendants their right to cross-examine witnesses, bring their own witnesses, or testify on their own behalf. “In this mock court of inquiry the defendants were prevented from giving any testimony on their part, by an armed force at the court house . . . so there was no testimony examined only against them,” wrote Joseph Smith, Sidney Rigdon, and Elias Smith in a joint petition to Congress.²

The Mormon defendants disputed the court’s findings for three main reasons: first, the prosecution’s witnesses testified falsely regarding Mormon activities during the conflict; second, Missouri officials deliberately prevented the defendants from presenting an adequate defense; and third, Missouri officials made no attempt to investigate the many crimes committed by non-Mormons during the disturbances. The Mormons viewed the proceedings as a deliberate and cynical misuse of the American judicial system that allowed Missouri officials to railroad Mormon leaders into prison and to shield non-Mormon criminals—the real instigators of the disturbances—from prosecution. This view generally dominates LDS histories of these events.³

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There is no question regarding the validity of the Mormons' third claim. Missouri officials did not investigate the conduct of non-Mormon participants in the disturbances, a fact which reveals a strong prejudice against the Latter-day Saints. Nevertheless, the evidence indicates that the other two claims regarding the Richmond hearing are not entirely true. A large portion of the testimony presented at the hearing is supported by the journals and reminiscences of loyal Mormons. In addition, the evidence suggests that Missouri officials conducted the hearing according to accepted legal procedures. This does not necessarily mean that the Mormon defendants were guilty of committing any crimes or that the Mormons, as a group, received just treatment from Missouri authorities. This focus upon the Richmond hearing—upon questions related to the conduct of and evidence presented at the hearing—does not represent a complete picture of Mormon troubles in Missouri. But this reexamination of the hearing does suggest that the traditional view gives us an incomplete, even distorted, picture of these events. A better understanding of the Richmond hearing allows for a better understanding of the entire conflict between the Mormons and their neighbors in western Missouri.

THE PURPOSE OF THE RICHMOND COURT OF INQUIRY

The Richmond court of inquiry was not, as its name implies, a military tribunal, but a preliminary hearing conducted by civil officials. The purpose of preliminary hearings has changed little since the 1830s, though in recent years magistrates have increased their concern for the rights of the accused.⁴ When defendants are brought before the court at preliminary hearings, the prosecution must demonstrate (1) that a crime has been committed, and (2) that sufficient evidence exists to bring the accused to trial. Preliminary hearings serve to prevent suspected persons from escaping, while also safeguarding them from groundless prosecution. Prosecuting attorneys generally present only enough evidence to establish "probable cause" for believing the defendants are guilty of the alleged crimes. Defense attorneys, once they realize that sufficient evidence exists to charge their clients, rarely make an extended presentation of their case. The hearing thus provides the defense with an opportunity to discover the prosecution's case while revealing little of its own strategy.

The judge plays an active role in the preliminary hearing, sometimes taking over the questioning of witnesses in order to establish the essential facts in the case under examination. Because the prosecution must establish only a reasonable cause for believing the accused are guilty, magistrates often evaluate the evidence in a light favorable to the state. Some judges will stop the examination and bind

over the defendants for trial—without even allowing the defense to present its witnesses—when they believe enough evidence has been submitted for probable cause. Questions regarding the defendants' motives, the reliability of witnesses, conflicts in testimony, and other problems of evidence are left for juries—not the judge—to decide at later trials. A decision by the judge to charge the defendants does not represent a conviction or judgment of guilt against them. It simply means the judge has found probable cause to believe the defendants committed the alleged crime, thus warranting further investigation within the judicial system.

Missouri officials held the Richmond court of inquiry to determine whether they had probable cause to believe certain Mormon individuals had committed crimes during the 1838 disturbances in northern Missouri. The conflict, popularly known among Missourians as the Mormon War, began when anti-Mormon vigilantes attempted to prevent the Saints from settling in Carroll County. The Mormons responded defensively, but hostilities gradually escalated until both Mormon and non-Mormon vigilantes plundered, burned, and drove suspected enemies from their homes. Each group believed the other to be the aggressor and thus justified its own extralegal activities as necessary for self-preservation. Civil authorities intervened on numerous occasions, first to prevent bloodshed between the two groups, and finally, to quell a reported Mormon insurrection. During the last two weeks of conflict, northwestern Missouri suffered a complete breakdown of control by local authorities. Nearly all inhabitants in Daviess, Caldwell, and Ray counties fled to the larger towns for safety, while about three thousand Mormon and non-Mormon soldiers patrolled the region. The conflict ended when badly outnumbered Mormon troops surrendered to the state militia at Far West on 1 November 1838.

With order restored, the non-Mormon population demanded that the civil authorities bring to trial and punish the Mormons allegedly responsible for the conflict. The Mormon War had polarized public opinion in western Missouri. Many people who initially opposed the anti-Mormon vigilantes had, by the end of the conflict, concluded that the Mormons were the cause of trouble.⁵ Although eastern Missouri newspapers called for a searching investigation “‘applied to the guilty on all sides,’”⁶ relatively few western Missouri residents viewed the disturbances in such an objective manner. Although anti-Mormon vigilantes were the first to take up arms in the conflict, most non-Mormons in the western counties saw the Mormons as the cause of trouble. The Mormons' secret Danite band, their military operations in Daviess County, their attack on state troops at Crooked River, their fortifications at Far West, and dissidents' reports of aggressive intentions by Mormon leaders, all stood as evidence that the Mormons had posed

a genuine threat from the beginning—and that the action against the Saints had been justified. Crimes committed by non-Mormons were regarded as the unfortunate result of the excitement generated by the conflict. This biased view of the events led Missouri officials to examine only the conduct of Mormons, as if they alone had been responsible for the disturbances.

General John B. Clark arrived in Far West on 4 November 1838, four days after the Mormons surrendered, with instructions to deliver Mormon prisoners to the civil authorities for trial.⁷ General Clark conducted a two-day investigation to determine which individuals should be brought to trial. He gathered the bulk of his information from Mormons who had become disillusioned with the Church—most of them had opposed Mormon military operations as overly aggressive and illegal. Although these dissident Mormons supplied much information about general Mormon activities during the disturbances, they revealed few names to General Clark. One of those questioned by Clark, George M. Hinkle, later claimed that “I told them that all I knew to be guilty of breaking the law had fled from the city the night before the surrender.”⁸ General Clark said that no one disclosed any useful information until his officers brought in Sampson Avard, who was captured while trying to flee the state. Fearing for his life, for he had participated in many of the Mormon military operations, Avard agreed to supply the names of Mormon offenders in return for immunity from prosecution. Clark reported, “But for the capture of Sampson Avard . . . I do not believe I could have obtained any useful facts.”⁹

The Richmond hearing began on 12 November and lasted until 29 November 1838. Fifty-three of the defendants brought to Richmond had been identified during General Clark’s two-day investigation in Far West. Eleven others were added during the hearing. The prosecution focused its examination on three main areas of reported criminal activity: first, the raiding expeditions in Daviess County, where Mormon soldiers burned, plundered, and drove settlers from their homes; second, the 25 October battle at Crooked River, where Mormon state troops clashed with non-Mormon state troops, killing one man and wounding several others; and third, the allegedly treasonous activities of Mormon leaders. For years, rumors had circulated that the Mormons were engaged in an Aaron Burr-type conspiracy to establish a theocratic “kingdom” on the Missouri frontier. Civil officials viewed the extralegal military operations of Mormon soldiers, the machinations of the secret Danite band, and the reported dictatorial control of Church leaders in Caldwell County as evidence of a treasonous plot by Joseph Smith and his cohorts to usurp the functions of government in northwestern Missouri. The Mormon prisoners hired Alexander Doniphan, their loyal friend, and Amos Rees to defend their case.

THE RICHMOND COURT OF INQUIRY

Richmond, the Ray County seat, had been a scene of great activity and excitement during the Mormon War. Richmond citizens sent numerous committees to investigate the growing hostilities between the Mormons and their neighbors in Daviess County. Throughout the disturbances, Mormon dissenters fled to Richmond with reports of Mormon militancy and oppression. Two Apostles, Thomas B. Marsh and Orson Hyde, signed affidavits informing Richmond citizens that Joseph Smith and his Mormon army “intend taking the United States, and ultimately the whole world.”¹⁰ In response to these reports, Ray County citizens sent Captain Samuel Bogart with a company of men to guard the county line. Bogart’s troops subsequently clashed with a Mormon state militia unit at Crooked River, where three Mormons and one Missourian were killed. Following this battle, women and children were evacuated from Richmond and sent across the Missouri River to Lexington, while the men rushed north to halt an expected Mormon onslaught. Richmond citizens also sent numerous reports to Governor Boggs, reporting Mormon aggression and pleading for assistance. “Blood and plunder appears to be their object, and those who do not join with them in their incendiary conduct, are banished from Caldwell,” desperate citizens informed the governor. “Unless a military force is brought to act against them, and that shortly, they will destroy as far as they are able.”¹¹ The fear and hostility generated by the disturbances had hardly subsided when, less than two weeks after the Mormon surrender, Circuit Court Judge Austin A. King commenced a preliminary hearing to identify the Mormons responsible for the conflict.

Large crowds gathered in Richmond as the hearing began. The unfinished, windowless county courthouse served as both prison and courtroom for most of the Mormon defendants, while Joseph Smith and several others considered more dangerous were chained together and held separately in a nearby location. During the hearing, the defendants stood together behind a long pole that separated them from Judge King. Many of those attending the hearing were non-Mormons who had participated in the recent conflict. Captain Bogart and his men, who made no secret of their animosity toward Mormons, served as guards for the prisoners and their witnesses. “Shoot your Mormon. I have shot mine,” one of the guards reportedly shouted to another.¹² One of the defendants, Morris Phelps, reported that many spectators gathered menacingly around the prisoners:

Another [Missourian] would say—pointing out some one of us,—“There is a red hot Mormon, d—m him, I am acquainted with him,—to another—“That dam rascal was in the battle—or out to Davis [*sic*], or to

DeWit, such a one is a great preacher and leader amongst them, he ought to be hung, or sent to the penitentiary. Thus they would examine and view us as critical as if we were ravenous wolves, and they were about to purchase us for our fur.¹³

The large and hostile crowd, convinced of the Mormons' guilt, intimidated the witnesses and defendants throughout the hearing. "We have Smith, Rigdon and Dr. Averd [*sic*] here, in chains, closely confined under a strong guard," wrote one observer as the hearing began, "and I hope they will never get from here until they satisfy the world, by their deaths, for all the crimes they were instrumental in committing."¹⁴

The state called Dr. Sampson Averd as its first witness. A talented and persuasive man, Averd had helped organize and direct the secret Danite organization whose chief purpose was to rid the Church of dissenters and enforce orthodoxy among the Saints. His appearance as a witness surprised both Mormons and Missourians. Averd had wielded considerable influence among the Saints during the disturbances, and many expected him to be a prime suspect, not a key witness, in the alleged crimes.

The Mormons claimed that Averd's character, motives, and testimony were highly suspect. Lorenzo D. Young, Brigham Young's brother, termed Averd "a dishonest, hypocritical man."¹⁵ Elias Higbee described him as "a man whose character was the worst I ever knew in all my associations or intercourse with mankind."¹⁶ According to Sidney Rigdon, Averd advised a potential Mormon witness to "swear hard" against the heads of the Church, since they were the ones the court wanted to incriminate. "I intend to do it . . . in order to escape," he said, "for if I do not they will take my life."¹⁷ One of the defense witnesses, Nancy Rigdon, later testified that Averd said "he would swear to a lie to accomplish an object; that he had told many a lie, and would do so again."¹⁸ William T. Wood, the assistant prosecuting attorney, reported that Averd became disillusioned with Mormonism when Joseph Smith's promised victory over the Missourians failed to occur. Wood claimed Averd told him that, after receiving word Joseph Smith had surrendered, "I at once lost all faith and am no longer a Mormon."¹⁹

Averd's testimony covered a wide range of topics and activities. The prosecution questioned him extensively about the Danite organization, which Averd claimed was directed by Joseph Smith and his counselors. The Danites, he reported, considered themselves duty-bound to obey the First Presidency "as to obey the Supreme God."²⁰ According to Averd, Joseph Smith blessed the Danite officers and prophesied "they should be the means, in the hands of God, of bringing forth the millennial kingdom."²¹ Averd presented a copy of the Danite constitution (a relatively harmless document) and described the group's

role in driving dissenters from Caldwell County. A letter ordering Oliver Cowdery, David Whitmer, and other dissenters to leave the county, signed by Hyrum Smith and some eighty other Mormons, was also presented to the court. In response to other questions about suspected treasonous activity, Avarad briefly related Joseph Smith's plans for gathering the Saints and building the kingdom of God in western Missouri, and described the Prophet's leading role in Mormon military operations. Finally, Avarad identified the defendants who allegedly joined the Danites, marched in the expedition to Daviess County, and participated in the attack on state troops at Crooked River.²²

Avarad's testimony, which makes up about one-fifth of the court record, lasted two days. Peter Burnett, a newspaper editor and lawyer who attended the hearing, reported:

He [Avarad] was a very eccentric genius, fluent, imaginative, sarcastic, and very quick in replying to questions put by the prisoners' counsel. His testimony was very important, if true; and, as he had lately been himself a Mormon, and was regarded by them as a traitor from selfish motives, his testimony labored under some apparent suspicion. For these reasons he was cross-examined very rigidly.²³

According to David Pettigrew, one of those who questioned Avarad was Joseph Smith. "Doctor, you said that you had unshaken confidence in me as a Prophet of God. What gave you this confidence?" Smith asked. "Was it because I taught you how to lie, steal and murder as you have testified, or because you actually believed me a prophet?" When Avarad made no reply, several of the guards cried out, "Kill the damned doctor."²⁴

Judge King also played an active role during the examination as he cross-examined Avarad and other witnesses regarding Mormon activities and beliefs. After eliciting testimony about Joseph Smith's teachings regarding the prophecy of Daniel that the kingdom of God would roll forth like the little stone that would destroy all earthly kingdoms, King turned to the clerk and said, "Write that down; it is a strong point for treason." One of the Mormon lawyers objected but was overruled by King. "Judge, you had better make the Bible treason," the lawyer observed.²⁵

During the remainder of the hearing, the prosecution called forty-one witnesses, twenty Missourians and twenty-one Mormons. At least eleven of the Mormons were men who had become disillusioned with Church policies. Many of them believed the Danites had exerted an oppressive and spiritually unhealthy influence within Mormonism. John Corrill, W. W. Phelps, and George Walter had openly quarreled with Church leaders about these issues. John Whitmer had been driven from Far West by the Danites. The testimonies of Corrill, Whitmer, and other dissenters reflected their disapproval of Mormon policies and activities.²⁶

Most of the details and information provided by the dissenters supported Avar's testimony. Although they were less certain than Avar of the First Presidency's direct involvement with the Danites—they knew of only one or two meetings that Joseph Smith and his counselors attended—they believed Avar received his instructions from these men. John Corrill and Reed Peck reported that they were present when the Prophet blessed the Danite officers as Avar described. In addition, the dissenters gave corroborating testimony concerning other alleged Mormon activities and teachings:

(1) That in early June 1838 the Danites organized to expel a number of dissenters from Caldwell County. The dissenters' testimony described the various meetings and activities (such as Sidney Rigdon's "Salt Sermon") that led to the expulsion of the Cowderys, Whitmers, and others from the county.²⁷

(2) That on 15 October 1838, after receiving reports that vigilantes intended to drive the Mormons from Daviess County, Joseph Smith and Sidney Rigdon rallied the Saints in Far West and declared their intention to defend their people. The dissenters testified that Joseph Smith proposed the confiscation of the property of those who refused to fight, and suggested that such people be put upon horses with bayonets and pitchforks and forced to ride in front of the troops. They also testified that Joseph Smith advised Mormon soldiers to live off the spoils of war during the expedition to Daviess.²⁸

(3) That during the week of 16–22 October, Mormon soldiers patrolled Daviess County, driving settlers from their homes, plundering, and burning as they sought to rid the county of their enemies. The dissenters testified that these activities were carried out under the direction of Joseph Smith and other Mormon leaders. They also claimed that during the expedition to Daviess, Mormon leaders reorganized the militia in preparation for a general conflict with their Missouri neighbors.²⁹

(4) That on 30 October, the day the state militia arrived outside Far West, Joseph Smith gathered Mormon soldiers and declared his intention to resist. George M. Hinkle testified that Smith said the troops organizing against the Saints were "a damned mob." Hinkle also testified that the Prophet declared the Mormons had tried to keep the law long enough, "but, as to keeping the law of Missouri any longer, he [Joseph Smith] did not intend to try to do so."³⁰

In support of the charge of treason, the prosecution elicited information regarding Mormon beliefs and activities that indicated an intent to set themselves outside the law. George Hinkle, another surprise witness for the state, testified:

The general teachings of the presidency were, that the kingdom they were setting up was a *temporal* as well as a spiritual kingdom; that it was the little stone spoken of by Daniel. Until lately, the teachings of the church appeared to be peaceable, and that the kingdom was to be set up peaceably; but lately a different idea has been advanced—that the time had come when this kingdom was to be set up by forcible means, if necessary.³¹

Testimony by these witnesses that Mormon leaders were unwilling to submit to legal process during the disturbances—including Joseph Smith's instructions to the Caldwell County clerk not to issue "vexatious" lawsuits against Mormon leaders—added support to the prosecution's contention that the Mormons were engaged in some sort of plot to subvert the laws of the state.³²

The ten other Mormons who appeared as witnesses for the state were loyal Church members who testified reluctantly at the hearing. According to Mormon accounts, these men testified because Missouri officials threatened them with prosecution and imprisonment. Morris Phelps reported that he attempted to testify on behalf of the defendants, but was stopped by Judge King and the prosecuting attorney, who then filed charges against him for his participation in the Crooked River battle.³³ Most of the Mormon witnesses, including Phelps, either emphasized their own nonparticipation in the alleged crimes or asserted that their leaders had forced them to take up arms. "I first refused to go," Phelps replied, when asked whether he participated in the Mormon attack at Crooked River, "but, being threatened with force, I consented to go."³⁴ The brevity of their testimonies indicates that these witnesses were unwilling to provide as much information as Corrill, Hinkle, and the others. Nevertheless, their testimonies corroborated the dissenters' statements regarding Mormon activities and beliefs, and implicated many defendants in the alleged crimes.

Most of the twenty non-Mormons who testified gave descriptions of their encounters with Mormon troops. Some told of being captured; others reported that they were accosted and threatened by Mormons. Samuel Bogart and four of his men testified regarding their battle with Mormon soldiers at Crooked River. As transcribed for the court record, the Missourians' statements reveal no obvious prejudice or exaggeration. Joseph H. McGee's testimony represents a typical example:

On Thursday, the 18th day of October, I was at Mr. Worthington's, in Daviess county, when the Mormons made an attack upon Gallatin. Mr. Worthington had a pair of saddle-bags in my shop, (in Gallatin,) with notes and accounts in them; and he requested me to go up to the shop, and try to secure them. When I went up, the Mormons had broken open my shop, and taken them out; one of them had put the saddle-bags on his horse, and I asked him for them. He answered, that he had authority from Captain Still to take them, and would not let me have them. He then told me I must go up to the store. I went along; and when I arrived there, Clark Hallett, one of the defendants, told him that he knew little Joe McGee [the witness]; that there was no harm in him, and to let him go. I was then turned loose. While at the store, I saw the Mormons taking the goods out of the store house, and packing many of the articles off on their horses; a number of barrels and boxes were rolled out before the door. When these men who had goods packed before

them, rode off, I heard a man, who remained at the store, halloo to one of them to send four wagons. I went down to Mr. Worthington's; and, in returning towards the store again, a short time after, I saw the smoke and flames bursting from the roof of the store house, and three men coming out of the house, who immediately rode off. The balance of the company had just previously left, except two, who were at Mr. Yale's, a citizen there, guarding him. I heard Parley Pratt order the men to take out the goods before the house was set on fire. I also saw Joel S. Miles there in the Mormon company.³⁵

The statements by the non-Mormon witnesses are straightforward and concise, contain only eyewitness descriptions of their experiences, and present evidence generally consistent with other testimony and accounts of these events.

Following the examination of the state's witnesses, the Mormons presented their defense. The court record states that the defendants declined to make any statements but called seven witnesses on their behalf. Each witness testified regarding specific evidence against certain prisoners. Nancy Rigdon testified that her father, Sidney Rigdon, was not involved in the Crooked River battle. She also said that George W. Robinson did not have the clock he allegedly stole in Daviess County. Ezra Chipman, Delia F. Pine, and Malinda Porter testified that Lyman Wight did not steal a feather bed, as asserted by a previous witness. Another witness for the defense, Jonathan W. Barlow, reported that Joseph Smith and Lyman Wight did not participate in the Crooked River battle, but rode down to meet the Mormon troops after receiving word of the battle. Finally, Thoret Parsons and Arza Judd, Jr., testified that, prior to the Crooked River battle, Bogart's troops ordered them from Parsons' home in Caldwell County, and threatened to give Far West "thunder and lightning before the next day night." Very little testimony was given to explain why the Mormons organized their military operations, and nothing was said regarding the Danites. Instead, the defense witnesses attempted to refute a few specific allegations against some of the prisoners. Following their testimony, the prosecution called one more witness, Asa Cook, who denied that Bogart's troops had threatened Mormon settlers. This concluded the presentation of evidence by both sides.³⁶

Based on the evidence presented at the hearing, Judge King found probable cause to order twenty-four defendants to stand trial on suspicion of committing arson, burglary, robbery, and larceny. These prisoners were allowed to post bail in amounts ranging from five hundred to one thousand dollars. King committed five prisoners to the Richmond jail on charges of murder for their alleged participation in the Crooked River battle. The six remaining prisoners, Joseph Smith, Hyrum Smith, Sidney Rigdon, Lyman Wight, Caleb Baldwin, and Alexander McRae, were committed to the jail in Liberty, Clay County,

on charges of treason.³⁷ Because their alleged crimes were capital offenses, Judge King allowed no bail for the prisoners charged with treason or murder. Grand jury trials for the defendants were scheduled for March 1839.

Some evidence was presented against each defendant charged by King. Several witnesses identified most of those charged as having participated in the alleged crimes. Contrary to the Mormons' expectations, twenty-nine prisoners were released due to insufficient evidence.³⁸

The Mormons subsequently denounced both the hearing and Judge King's findings. The defendants argued that the prosecution's witnesses had testified falsely regarding Mormon military operations and regarding statements attributed to Mormon leaders. In addition, they argued that Missouri officials had prevented them from bringing witnesses or making an adequate defense. Finally, they pointed to the fact that Missouri officials made no attempt to investigate the activities of non-Mormon vigilantes as evidence of the prejudicial treatment they received from Missouri courts. Each of these three issues is discussed below.

DID THE PROSECUTION'S WITNESSES TESTIFY TRUTHFULLY?

Many of the Mormon complaints about the hearing emphasized the deficiencies in the moral character of the witnesses who testified against them. As earlier mentioned, Mormon leaders regarded Sampson Avarad as a scoundrel and a liar who testified falsely to save his life. They similarly denounced the dissenters who testified at the hearing. Joseph Smith characterized George Hinkle, John Corrill, Reed Peck, and other witnesses as men "who are so very ignorant that they cannot appear respectable in any decent and civilized society, and whose eyes are full of adultery, and cannot cease from sin."³⁹ Like Avarad, these men reportedly testified to save their lives and to seek revenge against the church they had left.

While a variety of motives undoubtedly influenced the decision of these men to testify, the more important issue is whether their testimonies—or the alternative claims of Mormon leaders regarding Mormon activities in Missouri—are substantiated by other sources.

Mormon leaders asserted that their soldiers did not burn and plunder homes or commit other crimes in Daviess County, as testified by the prosecution witnesses. According to Hyrum Smith, the Missourians set fire to their own homes and then blamed the Mormons in order to inflame the excitement against them. He states:

Many people came to see. They saw the houses burning; and, being filled with prejudice, they could not be made to believe but that the "Mormons" set them on fire; which deed was most diabolical and of the blackest kind; for indeed the "Mormons" did not set them on fire, nor meddle with their houses or their fields.⁴⁰

In addition, the Mormons said that their military operations in Daviess County were authorized by Generals Alexander W. Doniphan and Hiram G. Parks of the Missouri state militia.⁴¹ The generals reportedly mustered out the Daviess and Caldwell county militia units to which the Mormons belonged and ordered them to repel the vigilantes. The Mormons thus asserted that they acted in self-defense, under legitimate state authority, and committed no crimes.

Evidence from the journals and reminiscences of loyal Mormons reveals, however, that Mormon soldiers did engage in burning and plundering in Daviess County. Oliver Huntington reported that Mormon soldiers, after burning Gallatin, returned to Adam-ondi-Ahman laden with goods, which they deposited at the bishop's storehouse:

The next day I went to Bishop Knights and saw the plunder, and O what lots, I thought; and heard them [the soldiers] tell, in what order they took the place. . . . The store they burned, but the goods were preserved.⁴²

Warren Foote, who lived in Caldwell County, said that "the mormons took their enemies corn, cattle, hogs &c according to the usages of war."⁴³ These activities, carried out under the direction and approval of Mormon leaders, were deemed necessary for protection against anti-Mormon vigilantes. Benjamin F. Johnson, a Mormon soldier who participated in several raids, defended their actions:

Here let me say that it should not be supposed . . . that we were common robbers because we took by reprisal that with which to keep from starvation our women and children. Ours was a struggle for our lives and homes.⁴⁴

These reminiscences from loyal Mormon sources corroborate the testimony given at the hearing regarding Mormon activities in Daviess County.⁴⁵

The evidence also indicates that during the October expedition to Daviess County—where most of the Mormon military operations examined by the court took place—Mormon soldiers acted on their own and not under the authority of the state militia. When General Doniphan arrived in Far West on 15 October, he probably advised the Mormons to fight in self-defense (he sympathized with their plight); but, for a number of reasons, it is unlikely that he ordered Mormon soldiers to march to Daviess County. First, the Mormons planned and organized the expedition before Doniphan arrived in Far West. Moreover, the Caldwell County militia did not belong to his brigade; he had no official authority over them. Finally, General Doniphan did not have the authority—no one in Caldwell County had the authority—to order the Caldwell troops to Daviess County.⁴⁶ Similarly, the evidence indicates that General Parks did not authorize the Mormon

activities in Daviess County. He did not arrive at Adam-ondi-Ahman until after the Mormons had begun their raids, including the burning and sacking of Gallatin. Neither Doniphan nor Parks reported ordering the Mormons into the field. In fact, as a consequence of the Mormon activities in Daviess County, both generals called out their troops to halt the Mormon military operations.⁴⁷

The testimony regarding the Salt Sermon and the expulsion of dissenters from Caldwell County is similarly verified by Mormon sources. George W. Robinson, a Danite colonel and secretary to the First Presidency, described the incident in his contemporary account of these events:

I would mention or notice something about O. Cowdery David Whitmer Lyman E Johnson and John Whitmer. . . . Prest Rigdon preached one Sabbath upon the salt that had lost its savour, that it is henceforth good for nothing but to be cast out, and troden under foot of men, And the wicked flee when no man pursueth, These men took warning, and soon they were seen bounding over the prairie like the scape Goat to carry off[f] their own sins we hav[e] not seen them since, their influence is gone, and they are in a miserable condition, so also it [is] with all who turn from the truth to Lying Cheating defrauding & Swindeling.⁴⁸

Ebenezer Robinson, who signed the letter ordering the dissenters to leave Caldwell, also left an account confirming the testimony presented at the Richmond hearing.⁴⁹ None of the defendants specifically denied the testimony regarding this incident. The bulk of evidence suggests that the dissenters' testimony was true.

Mormon leaders made surprisingly few references to the Danites in their public petitions and statements regarding the Richmond hearing. Joseph Smith asserted that Sampson Avaré "swore false" concerning the Danite constitution, but neither he nor the other defendants disputed the testimony describing the teachings and activities of the Danite organization.⁵⁰ Evidence from Mormon sources, particularly Morris Phelps's "Reminiscences," corroborates the testimony about the group's teachings and goals.⁵¹ Contemporary Mormon accounts also reveal that the Danites played an active and influential role in Mormon affairs, such as the expulsion of dissenters from Caldwell County in June, the consecrating of property to the Church, the Fourth of July celebration at Far West, and the Mormon expedition to Daviess County after the Gallatin election battle.⁵² The group operated prominently in northern Missouri for nearly five months. Its teachings and activities were known to non-Mormons as well as to Latter-day Saints. The influential role of the Danites and the presence of Mormon leaders within the organization lend support to the witnesses' testimony that the First Presidency approved of and encouraged the group's activities.

There remains a question, however, regarding the extent to which Joseph Smith actively directed the Danites. In a letter to the Saints, Joseph Smith asserted that Avarad taught “many false and pernicious things” of which the First Presidency was not aware.⁵³ In addition, nearly all Mormons claimed that Avarad—and not Joseph Smith—directed the Danite organization. Their assertions contradict Avarad’s testimony, but not the testimony of other witnesses for the prosecution. Although Corrill, Peck, and other witnesses believed that Avarad received his instructions from Joseph Smith, none of them claimed to have firsthand knowledge of this fact. They all affirmed that Avarad was the “teacher and active agent of the society.”⁵⁴ The evidence thus corroborates most of the testimony regarding the Danites. Only Avarad’s assertions that the First Presidency wrote the Danite constitution and directed the organization’s activities remain in doubt.

Joseph Smith’s role in directing Mormon activities represented a central element of the prosecution’s case. The charge of treason against the Prophet rested on the assertion that he directed not only the Danite organization, but also Mormon military operations in Daviess and Caldwell counties.

Mormon leaders denied the testimony placing Joseph Smith at the head of Mormon troops. Brigham Young stated that Joseph Smith “was in no way connected with the Militia of that state [Missouri], neither did he bear arms at all, nor give advice.”⁵⁵ Hyrum Smith asserted that his brother “never bore arms, as a military man, in any capacity whatever, whilst in the state of Missouri, or previous to that time; neither has he given any orders or assumed any command in any capacity whatever.”⁵⁶ Parley P. Pratt further contended that the Prophet “never bore arms or did military duty, not even in self-defense.”⁵⁷ The testimony that Joseph Smith played a leading role in Mormon military operations, these men asserted, was false.

Evidence from Mormon journals and reminiscences, however, contradicts these statements. Albert P. Rockwood reported that, following the Gallatin election battle, “Joseph Smith & Lyman White were at the head of the company (Army of Israel) that went up to the relief of the Brethren in Davis [*sic*] Co.”⁵⁸ Many Mormons reported that the Prophet organized and led the Mormon troops when the Missouri militia first appeared outside Far West.⁵⁹ On another occasion, Joseph Smith countermanded an order by state militia Colonel George Hinkle, directing a group of Mormon soldiers to ride to Haun’s Mill. James H. Rollins states that Joseph Smith “told us that we were his men, and that we must not go[;] if we did go against his will we would not be one of us left to tell the tale tomorrow morning.”⁶⁰ All Mormons recognized the Prophet’s leading role in temporal as well as spiritual affairs. Shortly after the Mormon expedition to Daviess County, Rockwood wrote:

You may ask if the Prophet goes out with the Saints to Battle? I answer he is a Prophet to go before the people as in times of old. . . . Bro. Joseph has unsheathed his sword & in the name of Jesus declares that it shall not be sheathed again until he can go into any country or state in safety and peace.⁶¹

Evidence from loyal Mormon sources thus confirms the testimony that Joseph Smith actively directed many of the Mormon military operations.

Related to the issue of Joseph Smith's leadership role among the Saints is the testimony regarding his alleged disregard for the law. Again, Mormon sources confirm many of the witnesses' reports of various statements and speeches by the Prophet. Warren Foote stated that, prior to the march of Mormon troops to Daviess County, Joseph Smith said "that those who would not turn out to help to suppress the mob should have their property taken to support those who would."⁶² Regarding "vexatious law suits," Mormon leaders denounced such proceedings in "The Political Motto of the Church of latter-day Saints" and at the Fourth of July celebration, where they publicly warned that they would allow no one to initiate vexatious lawsuits against them.⁶³ Similarly, the Mormons made no secret of their belief that they were establishing a temporal kingdom of God, which, as Daniel prophesied, would eventually destroy all other earthly kingdoms. "The Prophet Joseph laid the foundation of our Church in a Military Spirit," wrote Benjamin F. Johnson of Mormonism's early years, "and as the Master taught his disciples So he taught Us to 'Sell our Coats and Buy Swords.' "⁶⁴ It was this spirit the witnesses testified of.

When the testimony of the Mormon defense witnesses is compared with evidence from other sources, one glaring inconsistency arises. Numerous prosecution witnesses testified that Lyman Wight led a company of Mormon troops to Millport. Several witnesses stated that they saw Wight near the town shortly after it was burned. In rebuttal, three defense witnesses testified that Wight did not leave Adam-ondi-Ahman during the period in question. In a petition written while he was in Liberty Jail, Wight insisted that he never left his house.⁶⁵ In affidavits filed in 1843, however, both Hyrum Smith and Lyman Wight stated that Wight commanded Mormon troops in expeditions against the vigilantes.⁶⁶ Wight reported that he led a company of sixty men to Millport. The 1843 affidavits confirm the testimony of the prosecution's witnesses.

Source materials for this period do not provide the necessary detail to examine each accusation against the defendants. The evidence that is available, however, substantiates most of the testimony by the prosecution's witnesses regarding key issues and events, such as the Salt Sermon and expulsion of dissenters from Far West, the teachings and activities of the Danite band, the burning and plundering

committed by Mormon soldiers in Daviess County, and Joseph Smith's leading role in the Mormon military organizations.

CONDUCT OF THE TRIAL

The Mormon defendants charged that Missouri officials conspired to prevent them from presenting an adequate defense at the hearing. According to many accounts, Captain Bogart and his men cast into prison nearly forty defense witnesses and drove the rest from the state. Many defendants reported that neither they nor their witnesses were allowed to testify. Several also stated that they were prevented from getting legal counsel. In addition, Judge King and other local officials allegedly threatened Mormon witnesses and forced them to testify at the point of bayonet. The frightened and intimidated witnesses then testified falsely to save their own lives. According to these accounts, the Richmond hearing was a cynical pretense of justice in which Missouri officials deliberately violated standard legal procedures in order to charge the Mormon defendants—people they knew were innocent of any wrongdoing—with all manner of crimes. Had proper legal procedures been followed, these Mormons argued, they could have disproved the testimony against them.

Evidence from Mormon sources supports the claim that Mormon witnesses were intimidated at the Richmond hearing. Missouri officials apparently threatened to prosecute witnesses who refused to cooperate with the investigation. Morris Phelps, a witness and defendant, reported that he was prosecuted because of his reluctance to testify against the other prisoners.⁶⁷ James H. Rollins claimed he was originally summoned to testify against the others, but soon found he was a defendant and not a witness.⁶⁸ William Huntington, Sr., went into hiding after hearing rumors that local ruffians intended to throw him in prison to prevent him from testifying for the defense. According to his son, Huntington later reached an "understanding" with these men and did not testify.⁶⁹ John Murdock complained that he went to Richmond for the hearing "but was not allowed to testify."⁷⁰ Regarding those who did testify for the defense, Ebenezer Robinson wrote that "our witnesses were treated so badly, and intimidated to such an extent it was considered useless to attempt to make an extended defense."⁷¹

The evidence suggests, however, that many of the other claims regarding the conduct of the hearing are exaggerated. The Mormon accounts do not give the names of the forty defense witnesses who were reportedly thrown in jail, nor do any Mormon individuals report receiving such treatment because they were called to testify.⁷² Neither Peter H. Burnett nor Erastus Snow, who both attended the hearing, reported this gross obstruction of justice.⁷³ There is no evidence

corroborating Mormon reports of the mass jailing of their witnesses. In addition, Mormon claims that they were not allowed to testify, to bring witnesses, or to have legal counsel are not true. The court record shows that seven witnesses testified for the defense. The court record also states that the defendants themselves declined the opportunity to be examined.⁷⁴ And two of the best-known defense lawyers in western Missouri, Alexander W. Doniphan and Amos Rees, handled the case for the defendants.⁷⁵

Two related issues should also be examined. The first deals with Judge King's alleged prejudice against the Saints. King's brother-in-law had been killed in a skirmish with the Mormons in Jackson County in 1833. During the 1838 disturbances, he wrote to Governor Boggs and charged that the Mormons had become the aggressors in the conflict. The defendants asserted that throughout the hearing the judge made statements revealing his prejudice and determination to throw them in prison. "If the Governor's exterminating order had been directed to me," King reportedly told the defendants, "I would have seen it fulfilled to the very letter ere this time."⁷⁶ Should King have disqualified himself and requested another judge to sit in his place?

Judge King's previous involvement in the Mormon disturbances, even when evaluated by the less rigid standards of frontier society, was sufficient to warrant his disqualification from the Richmond hearing. If King made the statements attributed to him by Mormon defendants, then clearly he lacked the impartiality to preside at the hearing. There is no evidence, however, that any other judges were considered for the hearing. Perhaps part of the problem was that no judge in western Missouri was completely free from bias; yet, bringing a new judge a hundred miles across the state to conduct a preliminary hearing would have been unusual for this period. King, as judge of the Fifth Judicial Circuit, was the logical choice to conduct the hearing because his jurisdiction included all the counties where the alleged crimes had been committed.

Regardless of whether King should have sat at the hearing, the evidence suggests that Mormon claims regarding his behavior are exaggerated. Missourians connected with the hearing praised King's handling of the examination. William T. Wood, who served as a lawyer for the Saints in Jackson County and assisted the prosecuting attorney at the Richmond hearing, denied the Mormon claims regarding the court of inquiry, asserting, "The trial was not a 'mock trial.' Judge King presided in good faith and with fairness."⁷⁷ General Clark reported: "Every facility was afforded the prisoners in getting their witnesses, &c. that could be, and as far as I could observe the investigation was conducted upon legal grounds."⁷⁸ Their close connections to the investigation undoubtedly colored these reports by Wood and Clark.

But even Amos Rees, who served the entire hearing as one of the lawyers for the Mormon defendants, reported in a private letter that they were tried and committed according to the law:

Judge King sitting as a court of enquiry, heard all the evidence in a regular way and had it all reduced to writing as required by law, the mormons were then heard by their counsel in defence, &c. and after this the Judge proceeded to commit some of them for treason and murder, to discharge others, and to admit to bail the great majority of them.⁷⁹

Finally, an examination of the court record reveals that Judge King, regardless of any prejudice he may have had, charged and committed the defendants on the evidence against them. In fact, he released nearly half the Mormon prisoners due to insufficient evidence. This does not mean that Judge King held no prejudice against the Saints, nor that there were not some irregularities associated with the Richmond hearing; rather, this evidence represents further support that Missouri officials generally followed accepted procedures for preliminary hearings.

The charge of treason represents another controversial issue related to the hearing. Missouri state law stipulates:

Every person who shall commit treason against the state, by levying war against the same, or by adhering to the enemies thereof, by giving them aid and comfort, shall, upon conviction, suffer death, or be sentenced to imprisonment in the penitentiary for a period not less than ten years.⁸⁰

The Mormons had gathered in Missouri to establish a religious community, not to levy war against their neighbors. No evidence exists to indicate treasonous intent in Mormon teachings or activities—but this does not necessarily imply that Judge King was mistaken in his ruling. The testimony at the Richmond hearing provided sufficient evidence *for the purposes of a preliminary hearing* to charge Mormon leaders with treason. Witnesses testified that (1) Mormon leaders publicly declared they would resist state authority; (2) Mormon soldiers attacked state troops, burned two towns, and drove settlers from their homes; (3) Mormon leaders directed the secret Danite organization, which threatened and expelled from their homes Saints who would not obey the Prophet; and (4) the Mormons planned to build a temporal kingdom in western Missouri. Judge King's ruling did not represent a judgment of guilt against the defendants, but rather indicated his belief that the evidence warranted further investigation of the charges.

The Mormons' defense against the charge of treason—and against all the charges brought against them—rested not on the contention that they had not committed the acts described at the hearing, but on the reasons why they took up arms. Why, then, did they not explain their actions and disprove the charges against them? If, as the Mormons'

lawyer asserted, the Richmond hearing was conducted according to “regular” procedures, why did the defendants present such a meager defense?

The nature of the Richmond hearing, rather than a deliberate obstruction of justice, limited the Mormons’ defense. The hearing was a preliminary examination to evaluate the state’s evidence against the defendants, not a trial to prove their innocence or guilt. Thus, when Morris Phelps attempted to testify on behalf of the prisoners, Judge King told him that “we do not want to here [*sic*] any testimony on that side of the question.”⁸¹ Similarly, the prosecuting attorney objected to the testimony of another Mormon witness, arguing that “this was not a court to try the case, but only a court of investigation on the part of the state.”⁸²

In addition, the weight of the evidence against the defendants made it inadvisable for them to make an extended defense at that time. A lengthy defense, even if admitted by the court, would have been counterproductive. The Mormons’ defense was largely an explanation of why they committed the acts alleged to be crimes: They had acted in self-defense. Mormon soldiers invaded Daviess County and attacked state troops at Crooked River because they were trying to protect themselves from anti-Mormon vigilantes. Mormon leaders condemned Missouri officials and engaged in extralegal activities because lawful methods had failed to protect their people. Their intentions had been defensive rather than aggressive. An assertion of these arguments by the defendants, however, would have required a concurrent admission of involvement in the alleged criminal acts. For the purposes of the preliminary hearing, this would have confirmed the suspicion of guilt already created by the prosecution, but would have availed nothing toward securing the prisoners’ release. Explanations regarding why they committed their alleged crimes were appropriately saved for their future trials.

Viewed from this perspective, the reason why Doniphan and Rees advised their clients not to testify becomes clear. While they had little hope of dispelling the suspicion of guilt created by the state’s witnesses, their own testimonies might further incriminate themselves or other Mormons not yet charged. Witnesses for the defense carried the same risk. In addition, by allowing defense witnesses to testify, lawyers for the Mormons would have revealed to the prosecution their intended line of defense at future trials. Thus, when Doniphan told his clients not to bring witnesses because “it would avail us nothing . . . [even] if a cohort of angels were to come and swear we were innocent,” he may have been referring to the preponderance of evidence establishing probable cause against the defendants, as well as to any alleged prejudice of the court.⁸³ These strategic considerations, along with a

genuine fear for the safety of Mormon witnesses, probably influenced the decision to bring few witnesses to Richmond.⁸⁴ The fact that Judge King released nearly half the defendants—many of whom had participated in the alleged crimes—suggests that the strategy was successful.

Perhaps too much was made of the Richmond court of inquiry—by non-Mormons who cited the testimony as evidence that the Mormons instigated the conflict, and by Mormons who cited the conduct of the hearing as evidence they did not receive a fair trial. The court of inquiry was not a trial, but a preliminary hearing, and as such represented insufficient evidence to prove the contentions of either group. Whether subsequent trials, at which Mormon defendants could have presented an extended defense, would have altered their views will never be known because only one Mormon was ever brought to trial. The defendants released on bail all left the state, as required by the governor's expulsion order, and did not return for their trials. Joseph Smith and a number of other defendants were indicted by a grand jury in Daviess County, but they escaped their guards and fled to Illinois while being transferred to Boone County on a change of venue. The defendants charged with murder also received a change of venue to Boone County, where most escaped from the Columbia jail while awaiting trial. Of the two remaining prisoners, Luman Gibbs had the charges against him dismissed, while King Follett, the only Mormon actually tried by the Missourians, was acquitted of a robbery charge.⁸⁵

EVALUATION OF THE RICHMOND HEARING

This reappraisal of the Richmond hearing does not necessarily lead to the conclusion that justice was served by the judicial inquiry. Although some Mormon accounts of the court's proceedings were clearly inaccurate and misleading, their basic contention was correct: the Richmond inquiry did not represent a thorough—or, therefore, unbiased—investigation of the disturbances. Missouri officials made no effort to prosecute anti-Mormon vigilantes who plundered, burned, and drove Mormon settlers from their homes. There was no court of inquiry to investigate the killing of William Carey or the slaughter of Mormon settlers at Haun's Mill.⁸⁶ The official investigation into the causes of the disturbances was manifestly one-sided.

It was obvious to the Mormons—and to many non-Mormon settlers as well—that non-Mormons had committed crimes during the disturbances. The attempt by local officials to prosecute only Mormons therefore appeared to be a cynical pretense of justice, a deliberate violation of law. How could they ignore the many crimes committed by the anti-Mormon vigilantes?⁸⁷

The same question, however, can be raised concerning Mormon accounts of these events. Mormon soldiers engaged in highly provocative and destructive raids on Missouri settlements. It was obvious to Missourians—and to many Mormon dissenters as well—that Mormon soldiers committed crimes during the disturbances. Yet Mormon leaders denied any wrongdoing and placed all blame for the conflict on the Missourians. Did the Mormons sincerely believe that only Missourians committed crimes during the disturbances, or were their statements cynical attempts to sway public opinion?

Herein lies the key to understanding the conduct of the Richmond court of inquiry: Each side believed that the other was the main cause of trouble. This myopic view of the conflict allowed those on both sides to justify their own actions as defensive while at the same time viewing the actions of their enemies as aggressive and threatening. They excused their own excesses and illegal activities as having been provoked by their opponents. Neither group understood how its own activities contributed to the disturbances. As in most wars, the hostility and fear generated by the conflict caused the participants to hold rigidly to their biased views. It is not surprising, then, that Mormon leaders blamed only Missourians in their accounts of the conflict. But neither is it surprising that, at the conclusion of the disturbances, Missouri officials prosecuted only Mormons. The majority in both groups held one-sided views of the causes of the conflict.

This leads to the major conclusion of this study. It is one thing when the prejudice of government officials hampers their judgment and, consequently, their ability to administer justice impartially; it is another when their prejudice is so strong that it also leads them to deliberately and consistently violate the law in order to act on their prejudice. The former condition can eventually lead to the latter, and it is often difficult to distinguish between the two. Nevertheless, there is a difference. The conduct of the Richmond hearing evidenced much of the former but little of the latter. That is, the failure to prosecute non-Mormons revealed an extreme bias, but it did not necessarily represent a deliberate attempt to circumvent the law. There were no lynchings. Civil authorities, rather than militia officers or vigilante leaders, assumed control of the proceedings, and the evidence indicates that they conducted the examination according to accepted procedures for preliminary hearings.

This fine-line distinction between degrees of prejudice would have provided little solace for the Mormon defendants who languished several months in jail waiting for their trials, but the distinction provides important insights for historians trying to understand these people and events. It suggests that we should reexamine the way we have viewed the Mormon and non-Mormon participants in the Missouri conflict.

Mormon historians have too quickly dismissed the statements of Mormon dissenters as exaggerations influenced by an assumed bitterness against Church authorities. The evidence from loyal Mormon sources corroborating the dissenters' testimony indicates that more credence should be given to their accounts of these events. In addition, historians should take a closer look at the circumstances that led to the dissenters' disaffection from Mormonism. Dissenters in Missouri generally gave two reasons for their discontent. First, they opposed the oppressive influence of Sampson Avar and the Danites, whose extreme loyalty to Joseph Smith prevented open discussion or questioning of Church policies. The Church's subsequent rejection of Avar and Danitism (following the Richmond hearing) suggests that the dissenters' opposition may have been warranted.⁸⁸ Second, the dissenters believed that Mormon leaders overreacted to the threats of vigilante violence and that Mormon military operations were unnecessarily provocative. They feared that extralegal activities would bring the entire state against them. The eventual outcome of the conflict indicates that their fears were justified.⁸⁹ The statements and claims of the Mormon dissenters should, of course, be weighed carefully. Some accounts are more accurate than others. But the evidence indicates that they can add to our understanding of these events.

Similarly, the statements and claims of Mormon leaders should also be weighed carefully. Their petitions and affidavits were made for public consumption. Primarily, they wanted to dispel the notion, created by the publication of the Richmond court record, that the Mormons had engaged in illegal or violent activities. As demonstrated above, the private accounts in Mormon journals and reminiscences do not always support the public claims of their leaders regarding these events.

Finally, more attention should be given to the Missourians' descriptions of these events. This does not mean that their acts of violence and crime should be excused, nor that we should consider them "right" and the Mormons "wrong." There was no single view among Missourians regarding the Mormon problem. Some would have gladly violated legal procedure to see the Mormons "justly" punished; many others considered the anti-Mormon vigilantes to be as much at fault as the Mormons in creating the disturbances. The majority of residents in western Missouri, however, believed the Mormons instigated the conflict, and this view guided their investigation at the Richmond hearing.

This essay's focus on the Richmond hearing is necessarily biased against the Mormons because the Richmond hearing itself focused on a narrow set of questions relating to the alleged criminal behavior of Mormon individuals. Nevertheless, it highlights the non-Mormons' genuine concern and alarm regarding specific Mormon teachings and

activities, especially those of the Danite organization. In addition, non-Mormons treated events that occurred near the end of the disturbances, such as Mormon depredations in Daviess County, as evidence that the Mormons had aggressive intentions all along. Many non-Mormons—though not all—failed to see that Mormon military activities were primarily a response to anti-Mormon violence, and that, to some degree, Mormon soldiers were “goaded” into committing excesses against non-Mormon citizens.⁹⁰ Once we understand this biased view, we can understand why many Missourians believed the Mormons were the cause of trouble, and we can further understand the logic motivating the Missourians’ investigation of alleged Mormon crimes.

The conduct and outcome of the Richmond hearing also help to illuminate one of the central problems faced by the Mormons in Missouri. During the height of conflict an exasperated Joseph Smith reportedly complained, “Who is so big a fool as to cry the law! the law! when it is always administered against us and never in our favor.”⁹¹ Local officials intervened on numerous occasions during the disturbances, but they proved unable—and, in some instances, unwilling—to halt the anti-Mormon violence. Mormons were occasionally arrested for committing illegal acts, but this was rarely the case with non-Mormons. The Richmond hearing followed this same pattern: Mormons were arrested and jailed for causing the disturbances, while the actions of non-Mormons were ignored by law-enforcement officials. This outcome illustrates how the dominant community can use the law to enforce local customs and values—and to preserve the power of the existing elite—against groups of people perceived as threatening to that community. The lawful incarceration of Joseph Smith and other Mormon leaders helped to justify and expedite the eventual expulsion of the Mormons from the state.

The Missourians’ view of the conflict can be contrasted with the view dominating Mormon histories and accounts. Mormon accounts tend to focus upon events that occurred at the beginning of the disturbances (when anti-Mormon vigilantes initiated conflicts with Mormon settlers), and upon the suffering endured by Mormons throughout the conflict. Mormon accounts downplay, ignore, and even deny Danite aggression, plundering and burning by Mormon soldiers, and other activities that Missourians viewed as threatening and illegal. Many Mormons, believing that non-Mormons were to blame for the conflict, erroneously concluded that what finally resulted—the Mormons’ expulsion—was part of a conspiracy “concocted by the governor down to the lowest judge.”⁹² They regarded the Richmond hearing as part of this civilian conspiracy to drive the Mormons from the state. Their view mirrored the view of Missourians who, believing that Mormons were to blame for the conflict, erroneously concluded

that what finally resulted—the numerous depredations by Mormon soldiers—was part of a Mormon conspiracy to seize property and power. That is why Missouri officials charged Mormon leaders with treason at the Richmond hearing.

Rather than seeking to assess blame, however, the historian can gain greater insight by seeking to understand the perceptions and beliefs motivating the participants' actions. For example, historians are not necessarily wrong when they point to anti-Mormon agitation as the initial cause of trouble, but such a narrow view does not help us to understand how and why the conflict expanded, why non-Mormons who were initially friendly or neutral toward the Mormons eventually sided against them, or why the conflict ended with the Mormons' expulsion from Missouri. The alternative approach of seeking to understand rather than blame still allows the historian to point out that Mormons sought mainly to defend themselves from anti-Mormon vigilantes, that Mormon leaders initially appealed to civil authorities for help, and that the Mormon people suffered terrible injustices in Missouri. But this approach also requires the historian to give credence to the accounts by non-Mormons, to point out that most Missourians also believed they were fighting on the defensive, that many Missourians hoped for a peaceful resolution of the conflict, and that many non-Mormons suffered injustices at the hands of Mormons. There was, of course, no single view among either Mormons or non-Mormons regarding these events. Consequently, it is only by taking into account the multifarious and contending voices among both Mormons and Missourians that we can hope to understand the complicated pattern of prejudices, motives, and forces that eventually led to the Saints' expulsion from the state.

NOTES

¹Affidavit of Joseph Smith et al., 15 March 1839, in Heman C. Smith, ed., "Appeals to Supreme Court of Missouri," *Journal of History* 9 (April 1916): 206.

²"The Saint's Petition to Congress," in Joseph Smith, Jr., *History of The Church of Jesus Christ of Latter-day Saints*, ed. B. H. Roberts, 2d ed. rev., 7 vols. (reprint; Salt Lake City: Deseret Book Co., 1978), 4:35 (hereafter cited as *History of the Church*). Other descriptions of the Richmond hearing left by the leading defendants are found in "Appendix to Volume III: Affidavits of Hyrum Smith et al. on Affairs in Missouri, 1831–39; Officially Subscribed to before the Municipal Court of Nauvoo the First Day of July, 1843," in Joseph Smith, *History of the Church* 3:417–20 (Hyrum Smith), 3:430 (Parley P. Pratt), 3:448 (Lyman Wight), and 3:463–64 (Sidney Rigdon); Joseph Smith, "Appeals to Supreme Court of Missouri," 200–216; Parley P. Pratt, *Autobiography of Parley Parker Pratt* (Salt Lake City: Deseret Book Co., 1976), 209–15; and Sidney Rigdon, *An Appeal to the American People: Being an Account of the Persecutions of The Church of Latter Day Saints; and of the Barbarities Inflicted on Them by the Inhabitants of the State of Missouri* (Cincinnati: Shepard & Sterns, 1840), 47–49.

³See, for example, James B. Allen and Glen M. Leonard, *The Story of the Latter-day Saints* (Salt Lake City: Deseret Book Co., 1976), 130; Donna Hill, *Joseph Smith: The First Mormon* (Garden City, N.Y.: Doubleday, 1977), 246–50; and Leland H. Gentry, "A History of the Latter-day Saints in Northern Missouri from 1836 to 1839" (Ph.D. diss., Brigham Young University, 1965), 546–63.

⁴For information on preliminary hearings in the first half of the nineteenth century, see *The Revised Statutes of the State of Missouri* (St. Louis: Argus, 1835), 474–78; and Nathan Dane, *A General Abridgment and Digest of American Law, with Occasional Notes and Comments*, 9 vols. (Boston: Cummings, Hilliard & Co., 1823–29), 7:299–303. For more general information on preliminary hearings, see Frank W. Miller, *Prosecution: The Decision to Charge a Suspect with a Crime* (Boston: Little, Brown & Co., 1969), 45–109; Stephen A. Saltzburg, *American Criminal Procedure: Cases and Commentary*, 2d ed. (St. Paul, Minn.: West Publishing, 1984), 653–61; and Charles E. Torcia, *Wharton's Criminal Evidence*, 4 vols. (Rochester, N.Y.: The Lawyers Cooperative Publishing, 1972), 3:371–87. Preliminary hearings today generally have fewer witnesses and do not last as long as the Richmond court of inquiry, but the purpose and procedures of the hearings remain the same.

⁵The response of Arthur Bradford, a non-Mormon settler in Carroll County, typified that of many citizens: “I did not at first approve of [the vigilantes], but I finally believed they were right and I joined in with them,” he wrote shortly after the Mormon surrender. “I am convinced history does not afford a deeper laid scheme of villainy than that which has just developed itself in regard to the course pursued by that sect” (Arthur I. H. Bradford to Thomas G. Bradford, 13 November 1838, Thomas G. Bradford Correspondence, TS, Library–Archives, Historical Department, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah [hereafter cited as LDS Church Archives]).

⁶*Missouri Republican* (St. Louis), 9 November 1838.

⁷Prior to the arrival of General Clark, General Samuel D. Lucas held a court-martial of seven Mormon leaders, including Joseph Smith, and sentenced them to be shot. Opposition from other officers dissuaded Lucas from executing the men. Governor Boggs, after receiving reports that General Clark was also considering a court-martial of Mormon prisoners, instructed Clark: “You will not attempt to try them by court-martial, the civil law must govern” (Governor Boggs to General Clark, 19 November 1838, in *Document Containing the Correspondence, Orders, &c. in Relation to the Disturbances with the Mormons; and the Evidence Given before the Hon. Austin A. King* [Fayette, Mo.: Boon's Lick Democrat, 1841], 81 [hereafter cited as *Document*]). The court record of the Richmond hearing is contained in *Document*, 97–151. *Document* contains the testimonies of all but three witnesses who testified at the Richmond hearing. The testimonies of the three other witnesses (George Walter, Robert Snodgrass, and Abner Scovel) are found in James H. Hunt, *Mormonism: Embracing the Origin, Rise and Progress of the Sect, with an Examination of the Book of Mormon; also Their Troubles in Missouri and Final Expulsion from the State* (St. Louis: Ustick and Davies, 1844), 217–19, 227–28.

⁸George M. Hinkle to W. W. Phelps, 14 August 1844, in S. J. Hinkle, “A Biographical Sketch of G. M. Hinkle,” *Journal of History* 13 (October 1920): 452. Hinkle was referring to the seventy men, most of whom fought in the Crooked River battle, who fled Far West during the night of 31 October 1838.

⁹Report of General Clark, 29 November 1838, in *Document*, 90. Reed Peck also states that Avarad provided the names of alleged Mormon criminals (“Reed Peck Manuscript,” [Salt Lake City: Modern Microfilm, n.d.], 29, TS).

¹⁰Affidavit of Thomas B. Marsh and Orson Hyde, 24 October 1838, in *Document*, 58–59.

¹¹“Citizens of Ray County to the Governor,” 23 October 1838, in *Document*, 49.

¹²Ebenezer Robinson, “Items of Personal History,” *The Return* 2 (March 1890): 234.

¹³Morris Phelps, “Reminiscences,” 16, TS, LDS Church Archives.

¹⁴Letter to A. B. Chambers, ed., *Missouri Republican*, 20 November 1838.

¹⁵James Amasa Little, “Biography of Lorenzo Dow Young,” *Utah Historical Quarterly* 14 (January–October 1946): 52.

¹⁶Elias Higbee to Joseph Smith, Jr., 20 February 1840, in *History of the Church* 4:82–83.

¹⁷Rigdon, *An Appeal to the American People*, 47–48.

¹⁸Testimony of Nancy Rigdon, in *Document*, 147. Nancy was a daughter of Sidney Rigdon.

¹⁹“Mormon Memoirs,” *Liberty Tribune* (Missouri), 9 April 1886.

²⁰*Document*, 98.

²¹*Ibid.*, 97.

²²Avarad's entire testimony is contained in *Document*, 97–108.

²³Peter Burnett, *Recollections and Opinions of an Old Pioneer* (New York: D. Appleton and Company, 1880), 63–64. Burnett served as a lawyer for the defendants at subsequent hearings in Clay and Daviess counties.

²⁴“A History of David Pettigrew,” 8, TS, LDS Church Archives. Pettigrew was a defendant at the hearing.

²⁵Pratt, *Autobiography*, 212.

²⁶Little information exists to indicate how the prosecution located Mormon witnesses willing to testify for the state. Avarad, of course, turned state's evidence to avoid prosecution. George Hinkle, who did not consider himself a dissenter, claimed he was “legally subpoenaed” (George M. Hinkle to W. W. Phelps, 452). How the prosecution identified Hinkle and other Mormons (both loyal and dissenting) as witnesses for the state is unknown.

²⁷Testimonies, in *Document*, of Sampson Avarad (103–7), John Corrill (110), John Cleminson (114), Reed Peck (120), and John Whitmer (139); and testimony of George Walter, in Hunt, *Mormonism*, 217.

²⁸Testimonies, in *Document*, of Sampson Avarad (98–99), John Corrill (112), John Cleminson (115), Reed Peck (117), and W. W. Phelps (122–23); a loyal Mormon witness, Morris Phelps, gave corroborating evidence regarding the speeches by Smith and Rigdon (110).

²⁹Testimonies, in *Document*, of Sampson Avard (99–100), John Corrill (112), John Cleminson (115), Reed Peck (118), W. W. Phelps (123–24), George Hinkle (125–26), and Burr Riggs (134); two loyal Mormons, Jeremiah Myers (131–32) and Timothy Lewis (145), also gave corroborating evidence regarding Mormon depredations in Daviess County.

³⁰Testimony of George Hinkle, in *Document*, 128; Sampson Avard (100, 107) and two loyal Mormon witnesses, James C. Owens (113) and Samuel Kimbel (138), also described this speech.

³¹Testimony of George Hinkle, in *Document*, 128; see also testimonies of John Corrill (111) and John Whitmer (139); and testimony of Robert Snodgrass, in Hunt, *Mormonism*, 217.

³²For testimony that Joseph Smith said he would not submit to vexatious lawsuits, see testimonies, in *Document*, of John Cleminson (114), W. W. Phelps (121–22), and John Whitmer (138); one loyal Mormon, James C. Owens, gave corroborating testimony concerning this point (113).

³³“Reminiscences of Columbia Prison,” 1, photocopy, LDS Church Archives.

³⁴Testimony of Morris Phelps, in *Document*, 110.

³⁵Testimony of Joseph H. McGee, in *Document*, 141.

³⁶Testimonies of defense witnesses, in *Document*, of Malinda Porter (146), Delia F. Pine (146–47), Nancy Rigdon (147), Jonathan W. Barlow (147–48), Thoret Parsons (148), Ezra Chipman (148), and Arza Judd, Jr. (148–49); and testimony of prosecution witness Asa Cook (149).

³⁷McRae and Baldwin, who were members of the same Mormon militia company, were apparently charged with treason because they allegedly claimed the Mormons intended to take Daviess County, Livingston County, and then the entire state (testimony of Jesse Kelly, in *Document*, 137). In charging these two men with treason, Judge King appears to have evaluated the evidence in a light quite favorable to the prosecution.

³⁸For the sentencing of the defendants, see *Document*, 149–51. The total number of Mormon defendants at the hearing was sixty-four.

³⁹The Prophet’s Letter to the Church, 16 December 1838, in *History of the Church* 3:232.

⁴⁰Hyrum Smith, affidavit, 1 July 1843, in *History of the Church* 3:408–9.

⁴¹See affidavits, 1 July 1843, in *History of the Church*, of Hyrum Smith (3:406–8), Parley P. Pratt (3:425), and Lyman Wight (3:442–44); and Joseph Smith, Jr., “A Bill of Damages,” 4 June 1839, in *History of the Church* 3:370.

⁴²“History of Oliver Boardman Huntington, Written by Himself,” 31–32, TS, Library of the Utah State Historical Society, Salt Lake City. Huntington was a fifteen-year-old Mormon resident of Adam-ondi-Ahman.

⁴³“Autobiography of Warren Foote,” 30, photocopy, LDS Church Archives.

⁴⁴Benjamin F. Johnson, *My Life’s Review* (Independence, Mo.: Zion’s Printing and Publishing Co., 1947), 42–43. It is interesting to note that Johnson reported that John L. Butler brought in nearly forty head of the Missourians’ cattle to Adam-ondi-Ahman, thus confirming the testimony of Burr Riggs, who said that he saw Butler drive in thirty-six head of cattle during the Mormon expedition to Daviess (testimony of Burr Riggs, in *Document*, 134).

⁴⁵It should be noted that neither Huntington, Johnson, nor Foote stated that Joseph Smith instructed the soldiers to live off the spoils of war, as testified at the hearing. Circumstantial evidence, however, lends credence to the dissenters’ testimony. Implicit in the statements by Huntington, Johnson, and Foote is their belief that the plundering activities were part of the Mormon military strategy. Many different companies of Mormon soldiers participated in the plundering, further indicating that this was general policy rather than an isolated act of one or two Mormon militia units. Two Mormon Apostles, David W. Patten and Parley P. Pratt, led the attack on Gallatin. Moreover, the stolen livestock and property were brought back to Adam-ondi-Ahman and distributed to the Saints by the local bishop, Vinson Knight, in full view of all present. These activities were carried out while Joseph Smith directed Mormon military operations at Adam-ondi-Ahman. Even Mormons in Caldwell County, such as Warren Foote, knew about the plundering activities of their soldiers in Daviess. Finally, a loyal Mormon witness at the hearing, Morris Phelps, confirmed the dissenters’ testimony regarding the Prophet’s instructions to Mormon troops (testimony of Morris Phelps, in *Document*, 110).

⁴⁶For Sidney Rigdon’s explanation of why neither Doniphan nor Caldwell County officials could order the Caldwell militia to Daviess, see Sidney Rigdon, affidavit, 1 July 1843, in *History of the Church* 3:454–56.

⁴⁷For the reports of Parks and Doniphan regarding Mormon activities in Daviess County, see General Parks to General Atchison, 21 October 1838, in *Document*, 47–48; and David R. Atchison and Alexander W. Doniphan to Lieutenant-Colonel R. B. Mason, 27 October 1838, photocopy, LDS Church Archives.

⁴⁸“The Scriptorium Book of Joseph Smith Jr. President of The Church of Jesus Christ, of Latterday Saints in All the World,” 47, photocopy, LDS Church Archives.

⁴⁹Ebenezer Robinson, “Items of Personal History,” *The Return* 1 (October 1889): 145–48; and *ibid.* 2 (February 1890): 218–19.

⁵⁰Affidavit of Joseph Smith et al., 15 March 1839, in “Appeals to Supreme Court of Missouri,” 209.

⁵¹Morris Phelps, “Reminiscences,” 3–5; see also Little, “Biography of Lorenzo Dow Young,” 52–53.

⁵²For a more detailed description of Mormon sources referring to Danite activities, see “Rumblings of a Conflict,” chapter 3 of my forthcoming book, *The 1838 Mormon War in Missouri* (Columbia, Mo.: University of Missouri Press, 1987).

⁵³The Prophet’s Letter to the Church, 16 December 1838, in *History of the Church* 3:231.

⁵⁴Testimony of John Cleminson, in *Document*, 114; see also testimonies of John Corrill (110–13) and Reed Peck (116–20).

⁵⁵Brigham Young, affidavit, 1 July 1843, in *History of the Church* 3:433.

⁵⁶Hyrum Smith, affidavit, 1 July 1843, in *History of the Church* 3:404.

⁵⁷Parley P. Pratt, affidavit, 1 July 1843, in *History of the Church* 3:432.

⁵⁸Albert P. Rockwood, Journal, 6 October 1838 to 30 January 1839, 2, TS, LDS Church Archives (original in the Yale University Library, New Haven, Connecticut). Rockwood was a Mormon resident of Far West. The Army of Israel to which he referred consisted of Mormon troops organized separately from the state militia units.

⁵⁹See, for example, Reddick N. Allred, "The Diary of Reddick N. Allred," *Treasures of Pioneer History*, comp. Kate B. Carter, 6 vols. (Salt Lake City: Daughters of the Utah Pioneers, 1956), 5:300–301; "Elder John Brush, by Two Friends," *Autumn Leaves* 4 (March 1891): 130–31; and John Taylor, "Discourse, March 5, 1882," *Journal of Discourses*, 26 vols. (London: Latter-Day Saints' Book Depot, 1855–86), 23:37.

⁶⁰"A Sketch of the Life of James Henry Rollins," 7, TS, LDS Church Archives.

⁶¹Rockwood, Journal, 11.

⁶²Foot, "Autobiography," 29–30.

⁶³Joseph Smith, Jr. et al., "The Political Motto of the Church of Latter-day Saints," in *History of the Church* 3:9; and Peter Crawley, "Two Rare Missouri Documents," *Brigham Young University Studies* 14 (Summer 1974): 527. The "Political Motto" was a short statement by Joseph Smith and other Mormons on democracy and the Constitution.

⁶⁴Quoted in Dean R. Zimmerman, *I Knew the Prophets: An Analysis of the Letter of Benjamin F. Johnson to George F. Gibbs* (Bountiful, Utah: Horizon, 1976), 26.

⁶⁵Petition of Lyman Wight, 15 March 1839, in "Appeals to Supreme Court of Missouri," 202–3.

⁶⁶Affidavits, 1 July 1843, in *History of the Church*, of Hyrum Smith (3:408) and Lyman Wight (3:443).

⁶⁷Phelps, "Reminiscences of Columbia Prison," 1.

⁶⁸"Life of James H. Rollins," 8.

⁶⁹Huntington, "History," 38.

⁷⁰John Murdock, Journal, 106, photocopy, LDS Church Archives. Murdock stated, incorrectly, that no one was allowed to testify for the defense.

⁷¹Robinson, "Items of Personal History," 235. Robinson was a defendant at the hearing. The threats by Missouri officials to prosecute witnesses who refused to cooperate does not necessarily represent a violation of the law—this tactic is occasionally used by law-enforcement officials to obtain evidence from suspected criminals—but the power to prosecute can also be abused. According to Mormon reports, their witnesses believed they would be charged with crimes, regardless of their innocence or guilt, if they did not cooperate. Although it may be true that Missouri officials purposely created this impression in order to intimidate Mormon witnesses, the court record also shows that (1) none of the Mormon witnesses for the defense was prosecuted and (2) Judge King charged the defendants according to the evidence against them.

⁷²One of the defense witnesses, Thoret Parsons, later said that he suffered "false imprisonment" in Missouri, but he does not provide additional information regarding when, where, or for what reason he was imprisoned ("Affidavit, May 6, 1839," Missouri Claims, LDS Church Archives). Missouri law stipulated: "While any witness, for or against the prisoner, is under examination, the magistrate may exclude from the place in which such examination is had, all witnesses who have not been examined, and he may cause the witnesses to be kept separate, and prevented from conversing with each other, until they all shall have been examined" (*Revised Statutes of the State of Missouri*, 476). Many Missourians feared that Mormon witnesses would testify falsely in order to free their brethren from jail. It is possible that local officials attempted to keep the witnesses away from the courtroom and separated from each other before they testified at the hearing. Although Parsons did not state that his imprisonment was connected with the Richmond hearing, he may have been detained in order to separate him from the other witnesses. This, however, is merely speculation, since neither Parsons nor any of the other Mormons reported that they were arrested or detained because they were subpoenaed to testify for the defense.

⁷³Erastus Snow, Journal, January 1838 to June 1841, 41–42, photocopy, LDS Church Archives; Burnett, *Recollections*, 63–64.

⁷⁴*Document*, 146.

⁷⁵The court record shows that during the hearing the Mormon defendants also hired a third lawyer, John R. Williams, to handle their case (see *Document*, 132, 145).

⁷⁶Lyman Wight, affidavit, 1 July 1843, in *History of the Church* 3:448.

⁷⁷William T. Wood, "Mormon Memoirs," *Liberty Tribune*, 9 April 1886.

⁷⁸Report of General Clark, 29 November 1838, in *Document*, 93.

⁷⁹Amos Rees to Abiel Leonard, 1 November 1839, Joint Collection: University of Missouri Western Historical Manuscript Collection and State Historical Society of Missouri Manuscripts, Columbia, Missouri. Although Alexander Doniphan discussed his association with the Mormons in at least two reminiscences, he makes only brief reference to serving as a lawyer for them during this period. He provides no information regarding the conduct of this hearing.

⁸⁰*Revised Statutes of the State of Missouri*, 166, Article 1, Crimes and Punishments. Treason is generally thought of as a federal crime, but many state constitutions also make it a crime to commit treason against the state. John Brown, for example, was executed in 1859 for treason against the state of Virginia (Willard Hurst, "Treason in the United States," *Harvard Law Review* 58 [July 1945]: 806).

⁸¹Phelps, "Reminiscences of Columbia Prison," 1.

⁸²Hyrum Smith, affidavit, 1 July 1843, in *History of the Church* 3:419.

⁸³Sidney Rigdon, affidavit, 1 July 1843, in *History of the Church* 3:464.

⁸⁴On 3 December, less than a week after the hearing ended, Albert Rockwood wrote: "None of [the defendants] saw fit to make any defence at all. . . . The Brethren knew it would be of little use to make a defence at this Court and likewise considered it would jeopardize the lives of the Witnesses" (Rockwood, Journal, 21).

⁸⁵*History of Boone County, Missouri* (St. Louis: Western Historical Society, 1882), 216; and Robinson, "Items of Personal History," 245. Follett was not one of the defendants charged at the Richmond hearing, but was later indicted for robbery in Caldwell County. Gibbs, charged with murder for his participation in the Crooked River battle, was released when the state decided not to prosecute.

⁸⁶William Carey, a Mormon, died from a blow to the head delivered by a Missouri soldier shortly after Carey was taken prisoner by state troops during the disturbances. Seventeen Mormon settlers were killed when Missouri soldiers attacked Haun's Mill two days before the Mormon surrender.

⁸⁷After being charged with murder and remanded to the Richmond jail, Parley P. Pratt wrote to Judge King: "When the authorities of the State shall redress all these wrongs [against the Saints], shall punish the guilty according to law, and shall restore my family and friends to all our rights, and shall pay all the damages which we, as a people, have sustained, then I shall believe them sincere in their professed zeal for law and justice; then shall I be convinced that I can have a fair trial in the State" (Parley P. Pratt to Judge Austin A. King, 13 May 1839, in *Autobiography*, 232).

⁸⁸Ironically, Mormon historians often treat Avar and the dissenters as being of the same mind, and as having testified for the same reasons. This tends unfairly to discount the dissenters' credibility—and their testimonies at the Richmond hearing. In reality, the dissenters were the first to object to Avar's character, teachings, and influence in Mormonism. Reed Peck described Avar as "the main actor in the organization of the Danites . . . [and] the scourge of every man that would not passively yield to but dared to oppose the principles of the new church government." John Corrill said Avar "was as grand a villian as his wit and ability would admit of" ("Reed Peck Manuscript," 28; John Corrill, *A Brief History of the Church of Christ of Latter Day Saints* [St. Louis: Author, 1839], 31).

⁸⁹It is interesting to note that several Mormon leaders, including Brigham Young, Wilford Woodruff, Orson Hyde, and Jedediah M. Grant, later condemned Sidney Rigdon's Fourth of July oration in Far West as a foolish and overly aggressive statement of Mormon rights that unnecessarily provoked anti-Mormon violence. Brigham Young said, "Elder Rigdon was the prime cause of our troubles in Missouri, by his fourth of July oration." This is what Mormon dissenters believed, but Danite oppression kept them from making their opinions heard. For criticism of Rigdon's speech, see "Elder Rigdon's Trial," *Times and Seasons* 5 (1 October 1844): 667. See also *Times and Seasons* 5 (1 November 1844): 698; John Jaques, "The Life and Labors of Sidney Rigdon," *Improvement Era* 3 (June 1900): 583; and Jedediah M. Grant, *A Collection of Facts, Relative to the Course Taken by Elder Sidney Rigdon* (Philadelphia: Brown, Bicking & Guilbert, Printers, 1844), 11.

⁹⁰At least two non-Mormons, David R. Atchison and Alexander W. Doniphan, viewed Mormon military operations as a response to anti-Mormon agitation. (See Richard L. Anderson, "Atchison's Letters and the Causes of Mormon Expulsion from Missouri," an article to be printed in *BYU Studies* 26 (Summer 1986).

⁹¹Peck, "Reed Peck Manuscript," 18.

⁹²Hyrum Smith, affidavit, 1 July 1843, in *History of the Church* 3:421.