

A Question of Honor?
A. W. Doniphan
and the
Mormon Expulsion from Jackson County
by Roger D. Launius

For an enterprising young man of the 1820s and 1830s, no place in the United States excited more ambition than the newly created state of Missouri. The far western fur trade and the Santa Fe trade with the Mexicans of the Southwest promised huge profits for those willing to take huge risks, and the opening of rich bottom land along the Missouri River made possible plantation-style agriculture. Andrew Jackson, the Tennessean who had become president in 1829 and whose name defined the age, would have been pleased. Missouri was a tangible expression of the American dream. Alexander William Doniphan, known as Will to his friends, came inexorably to Missouri with all its opportunities, prejudices, and chances. There he made his name and his life, and his first great opportunity came because of the Mormons.¹

Doniphan felt drawn to the Missouri frontier because of the opportunity awaiting a determined, ambitious young American. And there is no doubt but that Doniphan was ambitious. As a young lawyer, he accepted—but chafed from it—the role of the young, inexperienced, and deferential attorney. That was appropriate when he first arrived in western Missouri in 1830, freshly entered in the profession. In most instances, and in all situations where the case was serious, he assumed a secondary position by helping the senior attorneys on the circuit. In these instances, he prepared background materials, took depositions, and prepared briefs for the trial lawyers who carried the brunt of the work in the courtroom.²

For three years, Doniphan worked hard to build a modest legal practice, gain experience in Missouri law and culture, and make a reputation as a solid and ambitious attorney. But he could not break into the upper echelon of lawyers working in the western part of the state. Doniphan clearly wanted a greater share of the legal work available. He had been willing to show deference for a time to the older and more established attorneys on the fifth judicial circuit, but after three years, he believed he had paid his dues and deserved greater



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opportunities.

In the fall of 1833, like so many other lawyers in so many other times and places, the twenty-five-year-old Doniphan found the case that would set him apart from his colleagues at the bar. Although he had established himself as a young lawyer of promise in western Missouri, Doniphan still did not have many clients and lived a very meager existence. Doniphan's reputation as an attorney would be made, like so many other lawyers, by taking a high-profile case and performing in the spotlight of public attention. That opportunity proved golden for Doniphan, and it came to him in the form of a disliked little religious group in nearby Jackson County expelled from their homes in the fall of 1833. For the next six years, Doniphan's career intertwined with that of the Church of Jesus Christ of Latter Day Saints, the Mormons.

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While Doniphan was only one of a team of attorneys working with the Mormons during the early 1830s, and then not even the senior one, more than any other Missourian, he became identified as a friend of the Saints. This friendship developed largely because of his heroic stance in November 1838 by refusing to execute Joseph Smith Jr. during the so-called “Mormon War.”³ But Doniphan was more complex than that, and his life was motivated by a sense of honor and justice of which his Mormon career was only one small part. For Doniphan epitomized what I consider the essence of American civilization—its ability to appreciate a diversity of opinion, even when holding specific ideals, and to find a position somewhere in the middle that all could accept. The life of Alexander William Doniphan—Missouri attorney, military figure, politician, and businessman of the nineteenth century—first seen in dealing with the Mormons, made plain that unique attribute of United States culture and politics.

For more than fifty years, from the 1830s to the 1880s, Doniphan was active in a variety of affairs in the state and always represented a moral position tempered

by moderation. Never just a “deal cutter” who would pragmatically blow with the

political wind, Doniphan held firm to several underlying principles throughout his life: loyalty, hard work, the sanctity of the republic, and commitment to Christian charity among them. These attributes brought him marked success; in the process, he gained fame and fortune. The key to Doniphan’s importance was his persistent moderation on

the critical issues of his day. He represented the middle ground of American politics

and society, neither radical in pressing for change nor reactionary in seeking to maintain the status quo. It is this aspect of his life that most intrigues me and that I most want to understand.

Although he never held an elective office more prestigious than that of state legislator, Doniphan was a persistent player in the antebellum politics of the state. A Whig both by inclination and affiliation, he endorsed early on the use of political power for the betterment of society. He and his fellow Missouri Whigs battled the state’s Democratic Party throughout the antebellum years over the role the government should play in fos-

tering the welfare of its citizens. When the Whig Party collapsed under the weight of the issues of slavery and the sectional conflict that ensued, Doniphan saw firsthand how the power of government could be used to alter society—and in ways he did not endorse. He sought to moderate in the 1850s and 1860s the extremism he perceived around him, taking a prosouthern and proslavery stance but remaining a firm advocate of the Federal Union throughout the Civil War years. Until the very last minute

in 1861, Doniphan tried to help negotiate a compromise that would preserve both the Union and the dignity of all sides. Failure to do so represented the greatest political disappointment of his life.

Doniphan might have decided to fight in the Civil War—either side would have been pleased to have him because of his experience and heroic status as the Mexican War commander of the First Missouri Mounted Volunteers—but he chose moderation again. His commitment to the Union prohibited him from taking up arms against it, and his allegiance to friends and institutions of the South prevented him from aiding in the putting down of the rebellion. In the end, Doniphan did probably the only thing that his conscience would allow: he served as a state claims agent for the widows and orphans of butchered soldiers.

The moderation that Doniphan’s life represented speaks to the present crisis in American politics at the end of the twentieth century. As extreme positions seem increasingly to be advanced, less and less room in the middle for interchange and compromise seems possible. Doniphan was appalled by this development in the 1850s and 1860s, and that perspective might instruct Americans today. I am prompted to respect, if not often to agree, with the belief system of Alexander William Doniphan.

Doniphan probably became aware of the Mormons in 1831, soon after their first settlers arrived in the Blue River section near present-day Kansas City. Joseph Smith Jr., the Mormon prophet, sent large numbers of Church members into Jackson County where they believed they would help usher in the triumphal Second Coming of Christ and the advent of the millennial reign by building a community from which Christ could rule the world. The largest Mormon group was concentrat-

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As a young attorney, Doniphan soon became identified as a friend of the Saints.

ed along the Brush Creek valley of the Blue River, but a cadre of Mormons also settled around Independence where they opened several businesses. This Mormon community grew rapidly during the next two years, numbering more than twelve hundred by the summer of 1833. Their growing numbers ensured they would have political and economic power, and that troubled many early Jackson Countians.⁴

Josiah Gregg, an Independence-based Santa Fe trader, sounded the ominous note of many non-Mormons when he opined that at the rate the Saints immigrated into the county, “they would soon be able to command a majority in the county, and consequently the entire control of affairs would fall into their hands.” This prospect petrified many non-Mormons, and a few decided to do something about it. This resulted in a violent expulsion of the Mormons from Jackson County in the fall of 1833, and Doniphan signed on as attorney for the embattled religious sect.⁵

Doniphan sought justice for a persecuted minority, but he never accepted the Mormon defense of being persecuted solely because of their religion. Instead, he recognized they embodied a religious ideal that was at

odds with the American republic. He agreed that violence aimed at the Mormons could not be tolerated in a republic of law and enlightenment. The Saints, he believed, had a right to live peaceably. Any crimes against the Saints had to be redressed, and Doniphan not only thought he was the man who could do it but also felt that in the process he could build himself a reputation as a great lawyer.⁶

After the Mormons began to experience violence in Jackson County, the sect’s leaders petitioned Missouri Governor Daniel Dunklin to redress their grievances. While the governor recognized the great wrongs perpetrated on the Mormons, he expressed concern about how to correct it. According to Mormon leader Newel K. Knight, the governor “stated that he desired to maintain law and order in the state, and was willing to do anything in his power to assist in the protection of the Saints.”⁷

Daniel Dunklin had gained the governorship in 1832 on the Democratic ticket. As a competent politician who understood his state’s political characteristics, he tried to deal with this Mormon crisis without alienating his political base. As he wrote in August 1834, “I have no regard for the Mormons, as a separate people; & have an utter contempt for them as a religious sect; while on 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.” Dunklin did, however, have a strong sense of responsibility and closed his letter by stating, “These are all secondary considerations when my duties are brought into question.”⁸

A noncommittal answer came from Dunklin regarding help for the Mormons. He suggested that they carry their complaints to the courts, the proper place for settling difficulties among all citizens. He asked the Mormons on 19 October 1833 to “make a trial of the efficacy of the laws; the judge of your circuit is a conservator of the peace. If an affidavit is made before him by any of you, that your lives are threatened and you believe them in danger, it would be his duty to have the offenders apprehended and bind them to keep peace.”⁹

The Latter Day Saints then prevailed upon four attorneys—Doniphan, David R. Atchison, Amos Rees, and William T. Wood—while attending the fall 1833

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term of the Fifth Judicial Circuit Court in Independence to act on the Mormons' behalf. The attorneys responded on 28 October, agreeing to accept the Mormons as clients, but with some unusual specifications. They asked that each receive \$250 for handling the case, to be paid in advance. "We have been doing a practice here among these people, to a considerable extent," the lawyers wrote, "and by this engagement we must expect to lose the greatest part of it, which will be to all of us a considerable loss." For the \$1,000 split among them, the attorneys agreed to handle all the Mormon complaints as a group. Doniphan and his associates apologized for the large fee they were charging, "but the circumstances here involved make it necessary" since they did not expect to have many other clients for some time afterward. "We prefer to bring your suits as we have been threatened by the mob," they wrote, "[and] we wish to show them we disregard their empty bravadoes." Doniphan and company then threatened that if the Mormons did not accept their terms, they could "be engaged in the opposite side in all probability."¹⁰ The next day Partridge agreed to the four attorneys' terms, telling them he would pay them within six months after beginning work.¹¹

Doniphan, Atchison, Rees, and Wood had no sooner begun work for the Mormons than the Jackson County situation took a turn for the worse. Indeed, the decision to engage these lawyers, signaling that the Mormons intended to remain in Jackson County and to prosecute anti-Mormons, probably helped to spark violence. In late October 1833, anti-Mormons in the county demanded that the Latter Day Saints leave Jackson County immediately. Knight wrote:

From the 31st of October until the 4th of November [1833], there was one continual scene of outrages of the most hideous kind. The mob collected in different parts of the county and attacked the Saints in most of their settlements, houses were unroofed, others were pulled down, leaving women and children, and even the sick and the dying exposed to the inclemency of the weather. Men were caught and whipped or clubbed until they were bruised from head to foot, and some were left upon the ground for dead. The most horrid threats and imprecations were uttered against us, and women and children were told, with cursings, that unless they left

the country immediately they should be killed.¹²

Never pacifistic, the Mormons vowed to fight back. And they did on 4 November when the Saints and the Missourians fought a ruinous skirmish on the eastern side of the Blue River. One Mormon and two Missourians, including a young lawyer named Hugh Brazeale, died in the fighting, and several received injuries.¹³

Because of this battle, Missouri militia lieutenant colonel Thomas Pitcher, also a respected Independence business leader, went with troops on 5 November 1833 to the main Mormon settlements and forced the Mormons to give up their arms. Disarming those causing the trouble, and for most Missourians it was obvious that the Mormons were the ones causing trouble, was a logical, legitimate, and legal step for a militia leader. Within a short time, twelve hundred Mormons began leaving the county, now having no way to protect themselves. Most went to Clay County, across the Missouri River to the north, but some also settled in nearby Ray, Lafayette, and Van Buren Counties.¹⁴

Doniphan and the other three lawyers provided three types of assistance to the Mormons, all typical of the services routinely furnished by attorneys both then and now. First, they served as mediators carrying messages between the Mormons and the state executive branch. Many of the communications between Governor Dunklin and the Mormon leaders passed through the hands of one of the four lawyers. The fact that they were all politically connected within the state, especially Atchison and Wells, helped to ensure that the religious group received a hearing in the executive branch. Second, at the same time, they served as a liaison between the Mormons and the Jackson Countians, working on a settlement agreeable to all parties. Finally, the most substantive service they provided involved prosecuting cases against the Jackson Countians who had done violence to the sect.

In acting as the Mormons' legal counsel, Doniphan and his colleagues operated within a narrow set of parameters established by the Church. The most important constraint was the Saints' refusal to abandon their property in Jackson County because of its religious significance, even if fully reimbursed. Joseph Smith told the membership that God would punish those who sold their property. The Mormon leadership told Doniphan

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and his associates to “use every lawful means” to secure reinstatement of the Saints back on their property in Jackson County.¹⁵

The clearest explanation of Mormon demands for settlement of the crisis was stated in a letter to the governor on 6 December 1833, which Doniphan and his colleagues helped to draft. It said:

[I]n behalf of our society, which is so scattered and suffering, we, your petitioners, ask aid and assistance of your Excellency, that we may be restored to our lands, houses, and property, and protected in them by the militia of the state, if legal, or by a detachment of the United States Rangers, which might be located at Independence, instead of at Cantonment Leavenworth, till peace can be restored. This could be done, probably, by conferring with the President, or perhaps with Colonel Dodge. Also, we ask that our men may be organized into companies of Jackson Guards, and be furnished with arms by the state, to assist in maintaining their rights against the unhallowed power of the mob of Jackson county.

And then, when arrangements are made to protect us in our persons and property (which cannot be done without an armed force, nor would it be prudent to risk our lives there without guards, till we receive strength from our friends to protect ourselves), we wish a court of inquiry instituted, to investigate the whole matter of the mob against the “Mormons.”¹⁶

As a result of these requirements, the Mormons placed Doniphan, Atchison, Rees, and Wood in a very tight box that demanded achievement of nothing less than complete victory on every point. Under normal circumstances, attorneys might have worked out an agreement for the Jackson Countians to purchase the Mormon property and improvements from them, but the restrictions imposed by the Mormons ensured that no compromise could result.

Doniphan and Atchison, the principal attorneys working on the case, opened negotiations with the Missouri attorney general, Robert W. Wells, in the latter part of November 1833. Wells gave Doniphan reason to believe that the state would support restoration of the Mormons’ property, the principal demand the Mormons made. He told Doniphan in a 21 November letter that “if they decide to be replaced in their property, that

is, their houses in Jackson county, an adequate force will be sent forthwith to effect that object.”¹⁷ This proved an unfortunate letter, for Wells did not speak for the governor and made it sound like the state would send troops into Jackson County to reinstate the Mormons on their land. That does not seem to have really been a possibility.

More helpful were the efforts to discover what had happened in Jackson County and to fix responsibility. Governor Dunklin directed John F. Ryland of Lexington, judge for the Fifth Circuit Court, to conduct an investigation of the late unpleasantness. On 24 November, he contacted Doniphan and his associates to see if their clients would press charges. If so, Ryland outlined a plan for the case’s adjudication. He indicated a willingness to convene a court in Jackson County at any time and wanted to move promptly to limit poor public relations for the state. Ryland specifically expressed his belief that it was “a disgrace to the state for such acts to happen within its limits.”¹⁸

Amos Rees, the recipient of Ryland’s letter, immediately contacted Doniphan, and they met with Robert Wells about the possibility of a court in Jackson County. Among the state, the lawyers, and the Mormons, they agreed to postpone a case in the county until the situation cooled down a bit. Mormon A. S. Gilbert summarized his church’s position on this: “Some of our principal witnesses would be women and children, and while the rage of the mob continues, it would be impossible to gather them in safety at Independence.”¹⁹ As a result, they set a court date for the February 1834 term in Independence. Doniphan worked during the winter to find witnesses and prepare a case for presentation at the February term, but he encountered constant difficulties. Many Mormons feared returning to Jackson County, especially since the locals threatened violence. “It is my opinion from present appearances,” A. S. Gilbert wrote to the governor just after the first of the year, “that not one fourth of the witnesses of our people, can be prevailed upon to go into Jackson county to testify.”²⁰

Because of this situation, Dunklin provided a militia force to keep order. Despite the fact that military power would be required to ensure the conduct of judicial proceedings, Dunklin naively believed that the court could settle the affair. He told the Mormons that “Justice is

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sometimes slow in its progress, but is not less sure on that account.” The Liberty Blues, a militia unit of fifty men commanded by Captain David Atchison, received the order to provide security at the Independence court proceedings, and that was a fortunate choice for Doniphan. Although Atchison had to recuse himself from the legal proceedings, his presence ensured more stability than if an unproven commander and unit had been present.²¹

The court convened on Monday morning, 24 February 1834, with Judge Ryland on the bench, but little more than a public demonstration of opposition to Mormon claims took place. The day before Atchison’s Liberty Blues had met, the Mormon witnesses convened at Everett’s Ferry on the banks of the Missouri and marched to within a mile of Independence where they camped in a woods for the night. “The night was passed off in war-like style,” Mormon witness W. W. Phelps wrote, “with the sentinels marching silently at a proper distance from the watch fires.”²² The next morning Atchison took the Mormon witnesses into Independence and sequestered them in the tavern of Samuel Flournoy, where they awaited the court. A mob assembled at the courthouse, however, and the state’s representatives had to decide whether to proceed with the hearing despite the possibility of violence or to wait until the situation had been defused. Atchison apparently wanted to proceed, confident that his Liberty Blues could ensure order, but Ryland and Attorney General Robert Wells, who was present at the court as a representative of the governor, decided to postpone. About mid-morning, they visited the Mormon witnesses and told them, according to Mormon Newel Knight, “that all hope of a criminal prosecution was at an end. Thus were the officers of the civil law, even when supported by the military, awed by a mob, and the great promises of the governor and Judge Ryland fell to the ground; and the strong arm of justice became weak and fell powerless to her side.”²³

Doniphan and the other Mormon attorneys decided to file a continuance so they could bring the case before the court in the fall of 1834. Thereafter, Doniphan asked Atchison to escort the witnesses back to Clay County. They marched in quick time through Independence to the tune of “Yankee Doodle” to impress the crowd gathered to heckle the Mormons in their quest for justice.



After attempts to secure the Saints back to their Jackson County properties had failed, Doniphan filed civil actions against the Jackson County mobbers.

Doniphan did not let the matter drop there. At the October 1834 term of court in Independence, he proceeded with a trespass case that Edward Partridge had filed for an assault committed in the summer of 1833. Ryland remained the circuit judge in charge of adjudicating the case and reflected a persistently fair voice in the Mormon affair. Doniphan obtained a change of venue for the case from Jackson County to Ray County on 26 May 1835, from Ryland, since at no time were the settlers in the county willing to allow a judgment to go against citizens who had engaged in violence against the despised Mormons. They still sought legal damages in 1836, but

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by that time, the matter had been overcome by events; and the only adjudication that actually came to settlement, though not in the Mormon favor, was a supreme court case in 1839. Doniphan's efforts on behalf of the Mormons, although ultimately unsuccessful, proved sufficiently aggressive to satisfy his clients.²⁴

In his capacity as Mormon legal counsel, Doniphan also participated in an attempt to resolve the Jackson County problem through mediation on 16 June 1834. At that time, a group of Mormons from Ohio and other parts of the East, Zion's Camp, entered Missouri with the intention of reinstalling the Saints on their Jackson County lands. Because legal efforts had failed to gain redress, the Mormons raised a force of about two hundred armed volunteers to march to Missouri. Zion's Camp would reinstate the Mormons of their land and protect them from further attack. Missourians thought it an army of invasion, and it only exacerbated the situation in Missouri. Doniphan had his hands full negotiating some settlement in the summer of 1834.

In this desperate environment, Ryland brought both sides together in Liberty to negotiate a peaceful settlement. In so doing, Ryland responded to a mandate from Governor Dunklin, who desperately sought a compromise with which everyone could live. Dunklin let both sides know of his commitment to resolving the Jackson County controversy and expected both protagonists to support the efforts of his emissary, Judge Ryland. Ryland then contacted both the Mormons and the Jackson Countians and told them about a proposed meeting set for Monday, 16 June 1834, at the courthouse in Liberty. Ryland applied classic democratic principles to this crisis. He sought to sit both sides down to hammer out an agreement that all could accept, even if not enthusiastically. Instead of having a winner and a loser, there would be two near winners. The pragmatic politician engages in such "trade-offs" every day, accepting half a loaf as better than none and probably intending to go back for more at a later time.

The Jackson Countians began preparing for this compromise attempt with a meeting on 9 June to elect a delegation. Samuel C. Owens, a prominent Independence businessman and political leader, served as its head. By the time of this planning meeting, the Jackson Countians had been warned by the governor that they

should support Ryland's compromise attempts, specifically "by purchasing the lands of the Mormons, and paying them for the injuries which they have sustained." The Jackson Countians apparently agreed to this compromise, in the process admitting they had been wrong in their actions in 1833 and agreeing to make restitution.²⁵

The Mormons, however, balked at this compromise. Ryland asked the Mormons to agree to sell their Jackson County lands at double the appraised value and to take the proceeds and move elsewhere. It was a generous offer, Ryland believed, one that everyone could agree to and then get back to a normal life. The Mormons, however, refused to sell their property in Jackson County. As Mormon John Corryll wrote, it would be "like selling our children into slavery."²⁶

By ruling out of hand any proposal that allowed the Jackson Countians to make a cash settlement, the Mormons ensured that Doniphan could not successfully close the case. The refusal to compromise, seen by the Mormons as a virtue, led them into repeated difficulties thereafter. Their belief that they had a monopoly on truth and innocence led to numerous nearly irreconcilable confrontations with the federal and state governments of the nation. This was only the first such instance, and it placed Doniphan in the unenviable position of having to settle a case in which the Mormons would accept nothing less than total victory. As a result, they got nothing.

On 16 June 1834, nearly a thousand people gathered in Liberty from throughout Jackson and Clay Counties. They swarmed into the courthouse, filling the seats, standing in the aisles, and overflowing into the yard. A larger number of Mormons, in addition to those designated to represent the sect, were present, as was the committee from Jackson County. Judge Ryland came from his home in Richmond to observe but not to preside; Judge Joel T. Turnham of Clay County was chosen moderator. Doniphan also appeared, seated in the back of the room. Ryland, as the initiator of the meeting, addressed the assembly on the necessity of bringing the conflict to a halt before one side or the other caused further bloodshed. According to the 18 June Missouri Intelligencer and Boon's Lick Advertiser, "He informed the committees of the respective parties that it was not

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his province, as a high judicial official to dictate to them the terms upon which they should settle this subject; nevertheless . . . he advised them [of] the necessity of regarding the laws of the land.” He also pointed out the consequences should the two groups fail to reach an understanding. Because of Zion’s Camp and its threat of possible violence, Ryland cautioned that the time for a peaceful solution could slip away and that both sides should employ their best efforts to preserve order in western Missouri.²⁷

Despite these conciliatory words, it soon became obvious that neither the Mormons nor the Jackson Countians were much interested in compromise. Joseph Thorp recalled, “Our friends from Jackson were very rabid.” The Jackson Countians confirmed Thorp’s assessment by interrupting the proceedings with rowdiness and threats of violence should Zion’s Camp enter their county. During the commotion that ensued, the Reverend M. Riley, a Baptist minister in Clay County, stood and insisted that the Jackson Countians had been right in the first place and that the Mormons should also be expelled from Clay. This action brought more noise, and few heard Judge Turnham call for order as pandemonium broke loose. “Let us be republican,” he shouted barely above the din, “[and] let us honor our country and not disgrace it like Jackson County. For God’s Sake don’t disfranchise or drive away the Mormons. They are better citizens than many of the old inhabitants.”²⁸

Alexander William Doniphan, who had been sitting quietly during most of these proceedings, suddenly arose and walked with solemn resolution to the front of the courtroom, shoving his sleeves up and stretching to his full six-feet four-inch height as he went. In a booming voice, he seconded the opinion of Turnham, advocating the rights of the Saints and opposing “Judge Lynch and mob violence.” “The Mormons have armed themselves,” he said, “and if they don’t fight they are cowards. I love to hear that they have brethren coming to their assistance, [a reference to Zion’s Camp] greater love can no man show, than he, who lays down his life for his brethren.” Doniphan’s speech quieted the uproar in this meeting for only a short time. By late afternoon, little had been accomplished, and the meeting adjourned in disorder. The attempt at reconciling the differences between the Mormons and the Jackson resi-

dents had failed. Zion’s Camp, however, disbanded soon after this time when its ranks thinned in an outbreak of cholera.²⁹

In the end, Doniphan could not assist the Mormons in their case against the Jackson Countians. His efforts proved sufficiently aggressive, however, that the Mormons appreciated him, and they were a notoriously difficult group to please. Indicative of this, Joseph Smith asked Doniphan to represent him and other Mormon leaders in the aftermath of the Mormon war in western Missouri in 1838. Doniphan’s representation of the Mormons also did not seem to hurt his practice of the law, as he thought would happen when he accepted the case. Although difficult to quantify, there seems to have been a general sympathy for the plight of the Mormons at the hands of the Jackson Countians virtually everywhere outside that county. As a result, Doniphan garnered a reputation as a champion of liberty, a defender of cherished rights guaranteed by the Constitution, and a promoter of democratic virtues. His services rose in demand after this case.³⁰

Most important for Doniphan, this case served as an excellent springboard for obtaining additional clients. Like modern attorneys making a name for themselves by taking high-profile cases, even if they have neither much prospect of gaining compensation for their work nor of winning, Doniphan’s career enjoyed the notoriety the Mormon case provided. Because of this notoriety, Doniphan became a household name both in western Missouri and in Jefferson City. It was his first really big case, and the public’s attention remade him into a famous attorney known for upholding justice.

In a sense, Doniphan’s experience with the Mormons represented a question of honor—but not the simplistic pure mindedness that so many historians have usually associated with his help. He was committed to basic freedom and to the principles of the Constitution, without a doubt, but his motives in the Jackson County affair were not entirely philanthropic. Instead, they were more symbiotic. He provided the Mormons something they desperately needed—good legal counsel by a respected young attorney unconnected from the Mormon faith. The Mormons provided him with a high-profile civil liberties case that helped to make his reputation.³¹

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**Alexander W. Doniphan Statue
Ray County Courthouse
Richmond, Missouri**

Notes

1. On the importance of Missouri in early nineteenth century America, see Dale L. Morgan, *Jedediah Smith and the Opening of the West* (Indianapolis, Indiana: Bobbs-Merrill, 1953), 19–23; William E. Parrish, Charles T. Jones Jr., and Lawrence O. Christensen, *Missouri: The Heart of the Nation* (Arlington Heights, Illinois: Forum Press, 1980), 66–74; James R. Shortridge, “The Expansion of the Settlement Frontier in Missouri,” *Missouri Historical Review* 75 (October 1980): 64–90.
2. A. W. Doniphan to D. C. Allen, “Sketch of the Life of A. W. Doniphan,” n.d., *Missouri Historical Society*, St. Louis, 2–3; A. W. Doniphan, *Address by Col. Alexander W. Doniphan, Delivered in Liberty, Mo., June 5, 1872, on the Occasion of the Celebration by the People of Clay County, of the 50th Anniversary of the County’s Establishment* (Liberty, Missouri: Advance Book and Job Printing House, 1883), 11–12.
3. The Mormons have always, and justifiably so, remembered Doniphan fondly for his stand at Far West, Missouri, on 1 November 1838. Apostle Amasa Lyman declared that “From the execution of this merciless sentence we were saved by the opposition, to the same, of General Doniphan, and long may he live to enjoy the reward of the soul ennobling qualities that exalted him incomparably above the priest-ridden, bloody rabble around him” (Amasa Lyman, “Amasa Lyman’s History,” *Latter-day Saints’ Millennial Star*, 27 (1865): 535. Lucas, however, denied the court martial in a letter to Governor Boggs on 11 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, Missouri: Office of the Boon’s Lick Democrat, 1841), 64.
4. The best survey of early Mormonism in Jackson County remains Warren A. Jennings, “The City in the Garden: Social Conflict in Jackson County, Missouri,” in F. Mark McKiernan, Alma R. Blair, and Paul M. Edwards, eds., *The Restoration Movement: Essays in Mormon History* (Lawrence, Kansas: Coronado Press, 1973), 99–119. It is a travesty that no one has moved the historiography of this subject beyond this generation-old research.
5. Josiah Gregg, *The Commerce of the Prairies*, Milo M. Quaife, ed., *The Commerce of the Prairies*. (Chicago: R. R. Donnelley and Co., 1926), 165.
6. On the sources of conflict between the Mormons and other Americans, see Kenneth H. Winn, *Exiles in a Land of Liberty: The Mormons in America, 1830–1846* (Chapel Hill: University of North Carolina Press, 1989), 85–100; Marvin S. Hill, *Quest for Refuge: The Mormon Flight from American Pluralism* (Salt Lake City: Signature Books, 1989), 69–98. John E. Hallwas and I have discussed the myth of

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- persecuted innocence held by the Mormons in *Cultures in Conflict: A Documentary History of the Mormon War in Illinois* (Logan: Utah State University Press, 1995), 3–8.
7. “Newel Knight’s Journal,” *Scraps of Biography* (Salt Lake City: Juvenile Instructor Office, 1883), 79.
 8. Daniel Dunklin to Joel Haden, 14 August 1834, Daniel Dunklin Papers, Western Historical Manuscript Collection, State Historical Society of Missouri Manuscripts, Columbia, Missouri.
 9. Daniel Dunklin to Edward Partridge, et al., 19 October 1833, in Joseph Smith Jr., “History of Joseph Smith,” *Times and Seasons* (Nauvoo, Illinois), 6 (1 April 1846): 880.
 10. A. W. Doniphan to W. W. Phelps and LDS Leaders, 28 October 1833, W. W. Phelps, *Collection of Missouri Documents*, MS 657, Archives of The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah. Joseph Smith Jr., *The History of the Church of Jesus Christ of Latter-day Saints*, B. H. Roberts, ed. (Salt Lake City: Deseret Book Co., 1976), 1:424–25, gives the date of this letter as 30 October 1833, but the original reads 28 October 1833.
 11. Edward Partridge to Doniphan, et al., 29 October 1833, W. W. Phelps, *Collection of Missouri Documents*, MS 657, LDS Church Archives. Joseph Smith, while accepting the help of Doniphan and his colleagues, took the opportunity to chastise them for their pursuit of riches at the expense of the Mormons (Smith, *History of the Church*, 1:424).
 12. “Knight’s Journal,” 80.
 13. John P. Greene, *Facts Relative to the Expulsion of the Mormons or Latter-day Saints, from the State of Missouri, Under the “Exterminating Order”* (Cincinnati, Ohio: R. P. Brooks, 1839), 11; “History of Persecution,” *Times and Seasons* 1 (January 1840): 33–34; “From Missouri,” *Evening and Morning Star* (Kirtland, Ohio), 2 (January 1834): 125; F. Mark McKiernan and Roger D. Launius, eds., *An Early Latter Day Saint History: The Book of John Whitmer* (Independence, Missouri: Herald Publishing House, 1980), 94; *Jeffersonian Republican* (Jefferson City, Missouri), 21 December 1833.
 14. *Missouri Intelligencer and Boon’s Lick Advertiser* (Boonville, Missouri), 14 December 1833, 16 December 1833; *Missouri Republican* (St. Louis, Missouri), 22 November 1833, 6 December 1833, 20 December 1833; John Corrill, *A Brief History of the Church of Jesus Christ of Latter Day Saints (Commonly Called Mormons, Including an Account of their Doctrine and Discipline, with the Reasons of the Author for Leaving the Church)* (St. Louis, Missouri: n.p., 1839), 19–20.
 15. Joseph Smith to Edward Partridge, 5 December 1833, quoted in Smith, “History,” *Times and Seasons* 6 (1 June 1845): 912–14.
 16. W. W. Phelps, et al., to Daniel Dunklin, 6 December 1833, quoted in *ibid.*, 915.
 17. Robert W. Wells to A. W. Doniphan and David R. Atchison, 21 November 1833, W. W. Phelps, *Collection of Missouri Documents*, MS 657, LDS Church Archives.
 18. Daniel Dunklin to John F. Ryland, 24 November 1833, in Smith, “History,” *Times and Seasons* 6 (1 June 1845): 912.
 19. A. S. Gilbert to Daniel Dunklin, 29 November 1833, quoted in *ibid.*, 912–13.
 20. A. S. Gilbert to Daniel Dunklin, 9 January 1834, quoted in Smith, “History,” *Times and Seasons* 6 (15 July 1845): 962–63; Edward Partridge vs. Samuel D. Lucas, et al., “Amended Declaration to the Circuit Court of February Term, 1834, n.d., MS 629.1, LDS Church Archives.
 21. *Missouri Intelligencer and Boon’s Lick Advertiser*, 8 March 1834; William E. Parrish, *David Rice Atchison of Missouri: Border Politician* (Columbia: University of Missouri Press, 1961), 10–11; Warren A. Jennings, “Importuning for Redress,” *Bulletin of the Missouri Historical Society* 27 (October 1970): 15–29.
 22. “Dear Brethren, February 27, 1834,” *Evening and Morning Star* 2 (March 1834): 139.
 23. “Knight’s Journal,” 90.
 24. *Missouri Circuit Court* (5th Circuit), *Legal Proceedings of Edward Partridge vs. Samuel D. Lucas, et al.*, MS 899, LDS Church Archives, original in the Huntington Library, San Marino, California, Identification number HM 25795; A. W. Doniphan to George Woodward, 2 September 1835, MS 11861, LDS Church Archives; State of Missouri,

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- “Subpoena of Missouri Circuit Court for Samuel D. Lucas,” 3 November 1835, MS 2966, LDS Church Archives; Missouri Supreme Court Records, Missouri State Archives, Jefferson City, Missouri.
25. Daily National Intelligencer (Baltimore, Maryland), 2 July 1834; Missouri Intelligencer and Boon’s Lick Advertiser, 21 June 1834.
 26. John F. Ryland to A. S. Gilbert, 10 June 1834, and John Corrill to John F. Ryland, 14 June 1834, both in Smith, “History,” Times and Seasons 6 (15 January 1846): 1088–89.
 27. Missouri Intelligencer and Boon’s Lick Advertiser, 18 June 1834; Walter B. Stevens, Centennial History of Missouri (The Center State): One Hundred Years in the Union, 1820–1921 (St. Louis, Missouri: The S. J. Clarke Publishing Co., 1921), 2:106; “Knight’s Journal,” 91.
 28. Judge Joseph Thorp, Early Days in the West: Along the Missouri One Hundred Years Ago (Liberty, Missouri: Liberty Tribune and Liberty Advance, 1924), 78; Wilford Woodruff, Journal, 8 July 1834, LDS Church Archives; Daily National Intelligencer, 9 July 1834.
 29. Thorp, Early Days in the West, 78; Smith, “History,” Times and Seasons 6 (15 January 1846): 1090; Roger D. Launius, Zion’s Camp: Expedition to Missouri, 1834 (Independence, Missouri: Herald Publishing House, 1984), 144–65.
 30. This is a difficult point to substantiate, but it appears to be the case judging from the many negative comments about nonmembers contained in the official History of the Church. If a nonmember befriended the Saints, it was never enough help; and if there was a record of support for the Mormons, but one instance in which they supported the other side, the person was condemned without qualification. This was especially true of political leaders who tried to deal with the Mormons as evenhandedly as possible, giving a little and expecting a little in return.
 31. On Friday, 23 October 1998, the state of Missouri named Highway M-152 through Clay and Platte Counties for Alexander Doniphan. Four hundred persons attended the renaming ceremony, which was held at the Alexander Doniphan Elementary

School. The program included several of the elementary students presenting segments of Doniphan’s life. (See The Liberty Sun- News, Wednesday, 28 October 1998, Vol. 38, No. 43 and The Liberty Tribune, Wednesday, 28 October 1998, 43rd edition.)

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