A Stench in the Nostrils of Honest Men: Southern Democrats and the Edmunds Act of 1882

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SENATOR GEORGE F. EDMUNDS OF VERMONT stood before his colleagues 12 December 1881 to introduce Senate Bill Number 353, the latest in a series of measures aimed at the Mormon practice of polygamy. The Edmunds' bill was reported out of the Committee on the Judiciary with amendments on 24 January 1882. Congress eventually approved the measure, and President Chester A. Arthur signed it into law. Its passage was preceded by a spirited debate in both houses of Congress, and among the foremost critics of the measure were a handful of southern Democrats (CR 68, 577; Poll 1939, 114–16).

In one sense, southern opposition to Edmunds' proposal was not surprising, given the region's long-standing defense of States' rights. But in another sense this stand was indeed unusual as the relationship between the South and the Mormons, dating back to the earliest days of the Church, had always been troubled at best.

The first contact between Mormons and the southern states came shortly after a general conference of the Church held at Amherst, Ohio, on 25 January 1832. At this meeting four elders were instructed to preach in the "south countries," meaning the area south of the Ohio River. In May 1832 they established the first branch of the Church in the South in Cabell County, Virginia (now West Virginia). The Church continued to search for southern converts throughout the ante-bellum period, and while the traveling elders encountered little actual violence, they were often threatened and treated with hostility. Opposition stemmed largely from resentment over the conversions, limited though they were, made at the expense of the established denominations, questions over the authenticity of Joseph Smith's revelations and the Book of Mormon, and deep-seated suspicions that the itinerant missionaries

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were surreptitiously preaching abolitionism throughout the region. Southerners only rarely raised questions about polygamy, possibly because abolitionism seemed the greater threat.[1]

In Congress, meanwhile, the polygamy question came up several times before the outbreak of the Civil War. Legislative attempts to deal with polygamy date back to the early months of 1856 when Congressman Justin S. Morrill of Vermont introduced an anti-polygamy bill in the House of Representatives. The measure was eventually referred to committee but was never debated. A similar measure introduced in 1858 died in the House Judiciary Committee (Poll 1939, 97–101).

Undaunted, Morrill continued his fight for a monogamous America and in 1860 introduced a measure which, like the first two, provided for the imposition of a fine and a prison term for anyone found guilty of polygamy. This measure, unlike Morrill's earlier proposals, was debated, after being reported from the House Judiciary Committee in March with southern congressmen playing a prominent part in the discussion. While southerners were by no means united in opposing the Morrill Bill — it was reported from committee with a recommendation for passage by Thomas A. R. Nelson of Tennessee — several congressmen from the region challenged the measure. Lawrence O'Brien Brance of North Carolina, L. Q. C. Lamar of Mississippi, and Miles Taylor of Louisiana all expressed serious reservations. They feared a precedent which national legislation on a local affair might set: if Congress began regulating marital relationships, the ownership of property in the form of slaves might also soon fall within its purview. Despite their protests, the measure passed the House but languished and died in the Senate in the rush of activities between the election of Abraham Lincoln in the fall of 1860 and his inauguration in March 1861. It was not until June 1862 that Congress, with most of the South no longer represented, finally passed the Morrill Bill. Lincoln signed it 1 July (Poll 1939, 102–15).

About the same time that Justin Morrill's 1861 measure died in the Senate, the spreading hostilities of the Civil War ended Mormon missionary activities in the South. In 1867 the Church again assigned missionaries to the region and after several years of sporadic activities organized in 1875 the Southern States Mission, which encompassed Tennessee, Arkansas, Alabama, Georgia, Mississippi, and Virginia. Its jurisdiction was later expanded to include North and South Carolina, Kentucky, Maryland, Texas, Florida, Louisiana and, for several years, Ohio (Berrett 1960, 219–21, 252, 257–58; Ellsworth 1951, 120, 319; Hatch 1968, 25; Southern, 8, 25 April 1867).

The first elders assigned to the South found a dispirited people surrounded by the desolation of the war. But the numbness of southern whites soon wore off, and they turned their wrath not only on Republican interlopers but on the

[1] The records of Latter-day Saint activities in the antebellum South are fragmentary at best, but the following sources in the Church archives provide additional information and insights: Diary of Abraham Smoot, vol. I and II; Diary of James H. Flanagan; Autobiography and Diary of Henry G. Boyle, vol. I; Reminiscences of Drusilla Dorris Hendricks; Diary of Amasa Lyman.

Mormon intruders as well. Indeed, the elders who traveled the backroads of the post-bellum South encountered what Gene A. Sessions (1976) has called "a curious mixture of fellowship and fear." The diaries and journals kept by the elders who labored in the region record countless acts of kindness and generosity by the ordinary southerners they met. But at the same time, the specter of violence was always present. On 21 July 1879 Elder Joseph Standing was shot and killed by an anti-Mormon mob at Varnell's Station, Georgia, and on a bright Sunday morning in August 1884 a blazing shootout near Cane Creek, Tennessee, left four Mormons and an anti-Mormon Methodist minister dead.

By the end of the nineteenth century five Mormon missionaries had been killed in the South. While murder was rare, threats and lesser acts of violence were almost daily occurrences. To cite only one instance, Elders Arthur Dall and G. B. Moore were driven out of Ruston, Louisiana, in February 1898 by local residents hurling a barrage of rotten eggs. In contrast, despite the general unpopularity of the Mormon church in late nineteenth-century America, there were no murders and very few acts of violence committed against Mormon elders in other regions of the country (Sessions 1976, 212–16; Wingfield 1953, 19–35; Arrington 1976, 9; Southern, 1875–1900, 410).

There were many reasons for the fierce southern response to Mormonism. These included the southern belief that the Mormons were only another in a series of destructive outside forces at work within their borders; the still limited success of Mormon missionary activities (which often created cleavages within families, extended families, or churches); and the intrusion of the Mormons into a frontier-type society where force and violence were a way of life and an acceptable solution to many problems (Sessions 1976, 212–25).

And there was polygamy, which magnified southern suspicions and fears. In the postwar period as missionaries gradually spread throughout the South, lurid rumors followed. It was whispered that the elders baptized their women converts in the nude and that the flower of southern womanhood was being lured away to lives of slavery in the harems of Mormon patriarchs in Utah. While at times southerners responded to these rumors rationally — for example, by issuing grand jury indictments against elders accused of preaching polygamy — this was not always the case. Some southerners, believing the worst of the rumors and determined to preserve the sanctity of their homes and communities, reached for their whips and guns in dealing with the lecherous intruders. And there were tragic results, such as the bloodletting at Cane Creek, Tennessee (Sessions 1976, 222–24; Southern, 26 Oct. 1869).

Outside the South the reaction to polygamy was equally vitriolic, although far less violent. As one observer has noted, during the second half of the nineteenth century most Americans of social conscience confronted with the issue of polygamy had an immediate and negative response (C. Cannon 1974, 61). Victorian Americans believed that Christian civilization was fragile, held together by a morality based on man's ability to control desire, especially the wild and destructive sexual impulses. Many feared that any relaxation of sexual standards would lead to a complete breakdown of civilized order. And

if polygamy liberated man's base sexual drive from the normal restraints of civilization, he would be consumed by unrestrained sensuality (C. Cannon 1974, 64–65).

The horror with which most Americans of that day viewed polygamy led to a flood of anti-Mormon literature, much of it erotic and sado-masochistic in tone. Most national magazines carried numerous articles on the Mormons, and polygamy was the most common theme. Of the fifty novels written about the Mormons in the nineteenth century (and many went through several editions), most were concerned at least in part with polygamy (C. Cannon 1974, 63; Sessions 1976, 223).

In Congress the response was a spate of anti-Mormon legislation aimed not only at destroying polygamy but at cracking the Saints' political control of Utah and insuring that Utah entered the Union as a Republican state (Poll 1958, 112). Before the 1880s the one statutory achievement of this effort was the 1874 passage of the Poland Act during the presidency of Ulysses S. Grant. The new law, a Republican-sponsored measure which received only scattered Democratic votes, limited the jurisdiction of the Mormon-controlled probate courts in Utah to the handling of estates and civil cases involving less than $300. The measure also revised the method for impaneling juries in Utah to facilitate convictions under the Morrill Act of 1862 and provided for appeal to the United States Supreme Court, on writ of error, of convictions for polygamy (Poll 1958, 113–16; 1939, 156–57).

The results were significant. Brigham Young's secretary, George Reynolds, was convicted of polygamy in a well-known test case of the Morrill Act. The United States Supreme Court upheld the conviction in 1879. But when it became apparent that Latter-day Saints would continue to defy the laws and bear the consequences rather than abandon polygamy, President Rutherford B. Hayes made additional proposals in his last annual message to Congress in December 1880. Among other things, Hayes called for the establishment of a provisional government in Utah made up entirely of presidential appointees confirmed by the Senate. But if the present form of government were to be continued, he recommended that the right to vote, hold office, and sit on juries in Utah be confined to those who neither practiced nor upheld polygamy (Poll 1958, 117; Arrington and Bitton 1979, 180).

Hayes was not able to secure the passage of new legislation before leaving office in March 1881, but a vortex of events soon led Vermont's Senator George F. Edmunds to introduce additional legislation. The most bizarre of these events was the shooting of President James A. Garfield in July 1881. In the weeks that followed, Americans anxiously read their local newspapers for the daily bulletins issued by the president's physicians and followed Garfield's death watch with dismay.

Speculation accompanied the concern, and rumors that Mormons rejoiced over the assault on the president made their way into print. Those circulating the rumors apparently assumed that because Garfield called for more anti-polygamy legislation in his inaugural address Mormons were glad when he was struck down. And one Protestant clergyman, the Reverend T. DeWitt

Talmage, went so far as to imply broadly that the assassin, Charles J. Guiteau, was a Mormon. In a sermon delivered in Brooklyn, New York, shortly after the president's death, Talmage declared that Guiteau had about him the "Mormon ugliness," as well as the "spirit of Mormon licentiousness." If Garfield's death should arouse more hatred toward Mormonism, Talmage declared, he would not have died in vain (CHC 6:26–8).

However, even before Garfield was shot, the Reynolds decision had sparked the campaign against the Latter-day Saints and polygamy. George Q. Cannon, Utah's delegate in Congress, noted that after the Supreme Court decided the Reynolds case, petitions poured into Congress asking for additional legislation to make the Morrill Act of 1862 more effective. And Cannon himself felt the consequences of the case (M. Cannon 1960, 65–6, 72).

Since his election as Utah's congressional delegate in 1872, Cannon had been the target of intense opposition from members of Utah's anti-Mormon Liberal Party. He had overwhelmingly defeated his Liberal opponents in the elections of 1872 and 1874, and when these victories were unsuccessfully challenged in Congress, the Liberals offered no candidate to oppose him in the elections of 1876 and 1878. The Reynolds decision, however, generated new hope. In the election of 1880 Cannon again faced a Liberal Party opponent, Allen G. Campbell, a mine owner from Beaver County. But again Cannon, the candidate of the pro-Mormon People's Party, was the victor, receiving 18,568 votes to Campbell's 1,357. The Liberals, however, appealed to the territorial governor, Eli H. Murray, claiming Cannon's election was invalid because he had not properly completed his naturalization as a United States citizen and was, therefore, an unnaturalized alien ineligible to hold public office. When Murray upheld this claim, Cannon served notice that he and his supporters would appeal to Congress for final adjudication.

The resolution of the Cannon-Campbell contest was still pending when the Edmunds Bill was introduced. Presumably Edmunds believed that passage of a measure prohibiting polygamists from holding public office would increase the likelihood that Cannon's appeal would be denied, which in fact occurred when the House voted on 19 April 1882 against seating either claimant. Further, the 1880 Republican victories in the presidential and congressional races greatly increased the chances for passage of Edmunds' proposed legislation (M. Cannon 1960, 50–77; CHC 6:2–11).

After its introduction in December 1881, the Edmunds Bill was submitted to the Senate Committee on the Judiciary. As reported from that body the measure provided that the maximum penalty for any person found guilty of practicing polygamy was a fine of not more than $500 and imprisonment for not more than five years. Any male convicted of cohabiting with more than one woman was to be fined not more than $300 and imprisoned for not more than six months. To insure enforcement of these penalties, the measure also provided that in cases involving bigamy, polygamy, or cohabitation in the Territory of Utah, prospective jurors could be challenged if they themselves were currently practicing or had practiced bigamy, polygamy, or unlawful cohabitation.

What turned out to be the most controversial provisions of the measure were found in the last two parts, sections 8 and 9, provisions intended to restructure the territorial government. Under section 8 no polygamist, bigamist, or cohabitant, and no woman cohabiting with such persons, could vote or hold public office in any territory of the United States. Section 9 declared all registration and election offices in Utah vacant and assigned the supervision of elections for the time being to a five-member commission appointed by the president. The commission was to name all election officers in the territory, examine all election returns, and issue certificates of election to those found to be duly elected to the territorial legislature. The new legislature would then provide by law for the filling of vacated offices. This final section of the measure also stipulated that none were to be barred from voting because of their opinions on bigamy or polygamy (Poll 1958, 117–18; 1939, 188–89; CR, 1155).

The debate began immediately. Southerners manned the front ranks of the opposition, and their motivation was quite simple: they were not so much interested in defending polygamy — most made it quite clear that they abhorred the practice — as they were in preventing the passage of what seemed to be a Reconstruction measure, especially one that might well convert a Democratic territory into a Republican state. In short, they opposed what they saw as a replay of radical Reconstruction and a violation of the principles of States' rights.

The first attack against the measure was launched by Joseph E. Brown, the former Confederate governor of Georgia. His almost fanatical adherence to the doctrine of state sovereignty had led to frequent clashes even with President Jefferson Davis and the Confederate Congress. Brown was a strange mixture of idealist and opportunist; his dedication to States' rights had not prevented him from joining the Republican Party during the early years of Reconstruction and then switching back to the Democrats in 1871. Following his election to the Senate in 1880, he had supported various causes without regard to their popularity in the South. Swimming upstream against public opinion, he supported federal aid to education, at the same time telling New Englanders that they spent too much time "attending to other people's business" and ought to let the southern states tend to such matters as voting rights for their citizens. He had also denounced recent efforts to limit Chinese immigration, and now he came to the assistance of the Mormons.

In an effort to increase the Democratic presence on the election commission, Brown first proposed that not more than three of the five members be from the same party. But his reservations went beyond mere numbers; he objected more to the commisison's influence on Utah's future. While the sponsor of the bill might claim that the commission was not to be the government of the territory, Brown insisted it would be a returning board, similar to those of the Reconstruction era.[2] He had always found that in the South

[2] During Radical Reconstruction laws had been enacted in the southern states giving certain state officials the authority to supervise all elections. These bodies, popularly known as returning boards, helped perpetuate Republican rule in the South by certifying election returns and ruling in favor of Republican contenders in disputed elections. Brown and other southerners

the returning board was in fact the government of the state. The board always decided the outcome of elections, and he had no doubt that this would also be the case in Utah where the Republicans desired to control the territory (CR, 1155–56; Brooks 1929, 141–43; Parks 1977, 535–36, 542, 548).

Florida's Wilkinson Call, former adjutant general in the Confederate Army, quickly endorsed Brown's remarks. Focusing also on the proposed five-member commission, Call argued that if the proposition were enacted, five persons would have absolute power to decide who was eligible to vote and to hold office in Utah. If Edmunds were to report a bill giving five persons absolute authority to interpret the election laws of the territory and of the United States, to declare which votes were valid and which were not, and to declare who was eligible to hold office, Call asserted, "we shall have the proposition in its naked and proper form" (CR, 1156). When Edmunds rebutted that the territorial legislature, the moment it was organized, would have the authority to rejudge and revise the actions of the commission, Call insisted that this was a subterfuge and that the legislature itself would be a mere creature of the commission, "a packed legislature and not a fair expression of the public will of the people" (CR, 1156). Stating that he had no objection to stamping out polygamy and would "join hands in that very gladly," Call declared it would be much better to allow the federal courts to decide who was qualified to vote and hold office in Utah. He concluded: "I am willing to see the disqualification of polygamy made a condition of electoral capacity, but I do not think that the power of the courts should be taken away and the whole of this *reconstruction* vested in a board of five persons appointed by the President and confirmed by the Senate" (CR, 1156; Biographical, 650, italics added).

The greatest opposition to the Edmunds Bill on this first day of debate came from Missouri's George G. Vest. Even though some the darkest moments of early Mormon history occurred in Missouri, Vest, a former member of the Confederate Congress, could not tolerate the denial of the constitutional principles he considered guaranteed. He, too, concentrated on sections 8 and 9 of the bill and based his opposition on judicial precedent. He insisted that he knew of no decision in the jurisprudence of the United States in which it had been ruled that the right to vote or hold office, after being conferred, could be taken away without conviction for a crime. Vest cited first an obscure New York case, *Barker v. the People*, in which that state supreme court had ruled that classes of men, or even a single person not convicted of a crime, could not be barred from voting or holding office. He then brought up the Dred Scott decision, calling Chief Justice Taney's arguments in that case "letters of gold" (CR, 1158). Vest cited those parts of the decision in which Taney decreed that the citizen and the Constitution walked side by side into the territories of the West, thus making it impossible for the federal government to assume in those territories discretionary or despotic powers denied it by the Constitution. Although he, too, detested polygamy and believed it to be "utterly subversive of all pure society and good morals," he could not permit

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who opposed the Edmunds Bill did not want an agency of this type established in Utah, and if it was they wanted to make certain that Democrats would have some voice in its decisions.

himself to vote for a proposal he believed subverted the "highest and dearest rights of every American citizen" (CR, 1158; Nettles 1936, 260; Holsinger 1970, 24, 35).

The debate consumed most of the day. By early evening Senator Edmunds proposed that further debate be suspended until the following day, with the stipulation that the Senate would vote on the bill no later than five o'clock the next afternoon. His reason for making this proposal, he said, was the Senate's extremely crowded docket; some 200 bills were still pending. Alabama's John T. Morgan strongly opposed this proposal, claiming that he had learned that an agreement had been reached in the Judiciary Committee to press the bill to a vote without adjournment. Edmunds insisted that this accusation was without foundation, and after exchanging several more verbal jabs, they agreed to bring the bill to a vote no later than 5:30 on the following afternoon (CR, 1162).

When debate resumed the next day, 16 February, southern opposition was conspicuous. In presenting their arguments, though they could not bring themselves to support polygamy or to praise Mormonism, they did at least defend the right of the Latter-day Saints to freedom of conscience.

Morgan of Alabama was the first to take the floor. The one-time Confederate brigadier pointed out that over 200,000 people living within the United States had grown up under a system of polygamy — the Indians. Wisely no laws had been enacted to forbid the practice among these people, and he saw no reason why the same forbearance could not be extended to the Mormons:

> There is no occasion just at this moment of time for being unduly excited about this business. . . . It is one of the highest duties of every government in moments of excitement to stem the current of the tide of fury, of rage, or of wrath, and to appeal to the Constitution; to place the people against whom an assault is made or against whom an accusation is brought upon the ground on which we place all other people in dealing with them (CR, 1196).

The framers of the measure, he charged, were acting in "a spirit of madness." The measure which they proposed was not only an *ex post facto* law, punishing a man for bigamy or polygamy entered into before the enactment of the statute in question, but also a bill of attainder, for by giving the five-member commission the authority to declare who was eligible to vote and to hold office in the territory, the measure would enable that body to punish citizens without the benefit of a trial. This would violate not only constitutional guarantees but the rights which "belonged to American civilization and law long before the Constitution was adopted" (CR, 1197). And the people of the Utah territory did not deserve this treatment, he argued, for a man practicing bigamy or polygamy might still have a large proprietary interest in the country:

> It is scarcely to be supposed that a man by a course of conduct of this character has disqualified himself in any essential way from casting an intelligent vote, or that he has lost his interest in the community to the extent that he is not expected to feel any responsibility in connection with his vote. . . . There can be but one interpretation

> given to this statute as it stands reported by the committee, and that is that the deprivation of the right of suffrage is intended only as a punishment (CR, 1198).

Not wanting to be thought either lenient or too sympathetic toward the Mormons, however, Morgan emphasized that no one in the Senate had more "profound abhorrence" of the Mormon hierarchy in Utah than he, nor was anyone more convinced than he of the necessity of taking all proper and legitimate steps to deal with polygamy, "this bane of all civil society" which threatened to overwhelm the West with "the pall of destruction and despair." But he was unwilling to persecute Mormons at the expense of the Constitution (CR, 1199).

Missouri's George G. Vest similarly charged that if this measure was not a bill of attainder, then one had never been proposed in all history. And the bill posed a threat to all, he insisted, for the feelings that then existed against the Mormons might exist tomorrow against any church or against any class in the land. If enacted the result would be a "star-chamber of five men, responsible to nobody, governed alone by their own prejudices" (CR, 1201). Vest eventually proposed an amendment he believed would make the bill more palatable. The Vest amendment to section 8 stipulated that no bigamist or polygamist would be barred from voting or holding office unless duly convicted "in a court of competent jurisdiction" (CR, 1217).[3]

Following Vest's remarks, Senator Brown of Georgia warned of the spirit of religious intolerance abroad in the land and discussed the British experience in India as a precedent. When the British entered India, he pointed out, they found that polygamy had existed there from antiquity. Yet they did not do what American public opinion now wished Congress to do. While the British did not condone additional polygamous marriages, they did not try to dissolve existing unions. Turning from the generalities of the British experience to the specifics of the current proposal, he cited from *Webster's Unabridged Dictionary* a definition of a polygamist as being "a person who practices polygamy or maintains its lawfulness." He believed, he said, that there was scarcely a man, woman, or child in Utah who did not believe in the lawfulness of polygamy. And according to Webster's definition they were polygamists even though they did not engage in the practice. Thus, by means better known in the South than in the North, the Edmunds Bill would disfranchise virtually the entire population of Utah:

> Whenever it is necessary to make a Republican State out of a Democratic State, or a Republican State out of a Democratic Territory, the most convenient machinery for the purpose is a returning board. . . . By fraud, perjury, forgery, and villainy, the returning board system cheated the people of these United States out of a legal election for President. . . . It stinks in the nostrils of honest men (CR, 1203).[4]

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[3] Because Brown's amendment stipulating that no more than three of the five commissioners could be from the same party was already on the floor, the Vest amendment was read merely for information purposes at this point in the debate.

[4] Southerners did not stand entirely alone in their opposition to the Edmunds Bill. Although they belonged to opposing parties, both Ohio senators, George H. Pendleton and John Sherman, criticized the measure. Democrat Pendleton claimed that the outcry over polygamy

The defense rested almost entirely in the hands of Edmunds himself, who threw out jabs and snipes during the southerners' presentations. When, for example, Brown produced his copy of Webster's dictionary, Edmunds responded with a copy of *Burrill's Law Dictionary* and suggested that the discussion should move "from the land of literature to the region of law" (CR, 1203). Burrill's dictionary defined a polygamist as one who had two or more wives at one time, rather than one who simply believed in polygamy. Edmunds and the Judiciary Committee assumed this definition was well understood. When the southern opponents had finished, he concluded briefly:

> We come back to the question of whether the Congress is willing to deal with the fact of a polygamous government in territory over which I assume the United States has supreme control as to its political character. That is all there is to it. If we have that control which I assume, then the question is whether, saying all of us that we are against the practice of polygamy . . . we shall put the offices of that community into the hands of those who are not polygamists (CR, 1213).

Most members of the Senate were prepared to strike at polygamy through the means at hand. When voting on the Edmunds Bill began late on the afternoon of 16 February, all southern efforts to amend the bill were defeated but one. Brown's amendment to section 9 stipulating that not more than three of the five members of the presidentially appointed commission were to be from the same party passed by a vote of twenty-six to twenty-three, with twenty-seven members not voting. Of the tweny-six votes for the Brown amendment, seventeen came from states of the former Confederacy and two of the border states, Missouri and Kentucky. Only one senator from a southern state, Republican William Pitt Kellogg of Louisiana, joined the opposition.

After additional discussion, a vote was taken on the Vest amendment to require conviction in a court of law before a bigamist or polygamist could be barred from voting or holding office in Utah. This proposal was voted down, eleven to thirty-three, with thirty-two not voting. Of the eleven yeas, eight came from the southern and border states. However, an equal number of southerners voted against the Vest amendment. Of the eight who voted against it, five had voted for the Brown amendment, two had not voted, and Kellogg had voted against. If these two votes indicated anything it would seem to be that the more polygamy was the issue, as opposed to Democratic Party interests, the more divided southerners tended to be on the Mormon question (CR, 1214, 1217).

With the amendments disposed of, the bill was read for a third time and passed by a voice vote. Outbursts of applause from the Senate galleries accompanied the voting. The chair expressed amazement at this breech of Senate decorum but took no action as the spectators rapidly cleared the chamber bearing news of the bill's passage (CR, 1217).

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was a facade concealing an attempt by supporters of the measure to Republicanize the Territory of Utah, while his Republican colleague Sherman made the conflicting claim that the measure would disfranchise only a small percentage of Utah's population and would not prevent the Mormons from continuing to control the territory. Nevertheless, southerners led the opposition to the Edmunds Bill.

The Edmunds Bill first appeared before the House of Representatives on 8 March 1882 and immediately became ensnarled in a parliamentary technicality. The proponents of the measure opposed adding any amendments to the bill that would force it to be returned to the Senate for further consideration. The plan was to invoke the previous question in an effort to cut off debate and force an immediate vote. But when opponents of the Edmunds Bill objected strenuously to this maneuver, a compromise was worked out allowing one hour for debate and amendments followed by an additional hour for general debate (CR 1732; 1845–46; 1851–53).

Two southerners, John H. Reagan and Roger Q. Mills, both Texans and former Confederates, played a notable part in the discussions which followed on 14 March. Reagan, who had served the Confederacy as Postmaster General and as Acting Secretary of the Treasury, launched into a lecture on constitutional principles similar to what had been heard earlier in the Senate. He charged that the current bill, if passed, would be both a bill of attainder and an *ex post facto* law. To avoid this problem, he offered amendments, similar to those proposed in the Senate earlier, stipulating that no one could be denied the right to vote or hold office until convicted in a court of law of the crimes listed in the measure. His colleague Mills went even further and proposed an amendment to strike completely sections 8 and 9 of the bill. Mills insisted that there were three groups in league against the Mormons — the religionists who were "trying to propagate the doctrines of Christ with the instrumentalities of Mahomet," those who were "incensed against the people of Utah because they were Democrats," and those who opposed polygamy because the Mormons had property which they wanted for themselves. The latter group Mills called "the patriots who question Naboth's loyalty because of Naboth's vineyard" (CR, 1861). And he also called the proposed five-member board an "imperial commission . . . empowered to carry at its girdle the keys of death and hell" (CR, 1862). In an obvious reference to the experiences of the South during Reconstruction he added:

> This venal instrument of oppression is not wholly unknown to fame. It has left a record as indelible as infamous on the pages of our recent history. For a few dark and melancholy years it wielded an unchallenged scepter in the Southern States. It filled the legislative halls with its own creatures, and the complacent slaves without murmur registered the decrees of their masters (CR, 1862).

Because the bill so grossly violated the principle of local self-government he could not, he concluded, under any circumstances support it (CR, 1860–62; *Biographical*, 1336, 1502–3).

The House Republicans who defended the bill were somewhat more forthright than their Senate colleagues. Where Senate Republicans had decried the absence of republican government in Utah and occasionally denounced the Mormon hierarchy, proponents in the House made it quite clear that they wanted to strike a blow against Mormonism. George W. Cassidy of Nevada, in a bitter attack, said there were but two classes of Mormons in Utah — knaves and dupes. Church members were largely foreign-born, he charged,

and Brigham Young was a "crafty old revelator" (CR, 1863). While this bill, in his opinion, did not do all that really should be done, it had one redeeming feature: "It goes to the point of making the polygamist element disreputable in Utah" (CR, 1863). To the accompaniment of applause from his Republican colleagues, Dudley C. Haskell of Kansas declared that the purpose of the bill was "to legislate out of office every one of that infamous Mormon priesthood" (CR, 1873). And Richard W. Townsend of Illinois charged that both the Latter-day Saints and Charles J. Guiteau — again Mormons were equated with murderers implying that to be one was to be the other — acted "in obedience to an inspiration" (CR, 1868).

These impassioned declarations preceded voting on Mills's motion to strike sections 8 and 9 from the bill. By a voice vote the motion to eliminate section 8 was defeated, but John F. House of Tennessee moved to reconsider. A vote was then taken on the motion to delete section 9, and it failed with 88 yeas and 140 nays, 64 not voting. Of the 102 representatives from former Confederate states and the border states of Missouri, Kentucky, and Maryland, only nine voted to retain this section providing for the five-member election commission while fifty-nine southern and border-state politicians voted to delete it. It seems fair to presume that southern memories of the Republican-controlled returning boards during the Reconstruction years caused southerners to vote overwhelmingly to eliminate this provision from the bill. On the other hand, section 8, which prevented any bigamist or polygamist from voting or holding public office, held no such associations, and consequently southerners were not as united in opposition. When the yeas and nays were called for, 44 voted to eliminate this section of the bill, 193 voted to retain it, and 55 did not vote. In this instance, southern and border-state representatives were evenly divided with thirty-seven in favor and an equal number opposed. And on the final vote for passage of the Edmunds Bill, southerners were once again evenly divided. The vote was 199 for passage, 42 against, with 51 not voting. In this case 36 southern and border-state congressmen voted for passage, 36 against (CR, 1864, 1976–77).

Given the divided southern vote on the various sections of the Edmunds Act, it would be difficult to say that there was a southern position on the measure. The most that can be said is that the traumatic Reconstruction era still cast a long shadow for southerners in Congress, especially those who had actively served the Confederacy. And their determination to prevent a recurrence of this experience — which could lead to Republican control of Utah — led them to defend the most unpopular white minority of their day. Yet while some of these same southerners would use many of the same arguments to attack the later Edmunds-Tucker Act, none of them ever defended Mormon causes outside the halls of Congress. For all their opposition to the proscriptive anti-Mormon measures of the 1880s, their stance was something of a theoretical abstraction, a rear-guard action fought in defense of the diminished but not yet dead principles of States' rights and really nothing more than that.

Even the defense of States' rights, however, could not bring some southerners to oppose the Edmunds Act. Their views were probably best summarized

by Congressman Otho R. Singleton of Mississippi. He conceded during the debate on the Edmunds Bill that the measure was far from perfect, especially if it was used to bar from office a man such as George Q. Cannon who had served his constituents for many years. Yet, whatever his reservations, he intended to support the measure even if all efforts to amend it failed.

> But so strong are my convictions against the doctrine of polygamy that I prefer to stand to these convictions and my duty to the people I represent rather than vote against a bill which, though objectionable in some of its provisions, does not in my opinion conflict with any provision of the Constitution of the United States (CR, 1871).

For all the furor in Congress surrounding the Edmunds Act, its passage changed little. The measure lived up to neither the expectations of its proponents nor the dire predictions of its opponents. President Arthur signed it into law 22 March 1882, and the five-member Utah Commission, three Republicans and two Democrats, reached the territory in August. The commission went to work with dispatch and within a year more than 12,000 Saints had been disfranchised. The House of Representatives voted, after the passage of the Edmunds Act, to seat neither Cannon nor Campbell. The People's Party continued to dominate territorial affairs, and its new candidate, John T. Caine, was elected to fill the congressional delegate's seat. The Mormons continued to practice polygamy, and since so little changed the cry soon arose in Congress for even more severe legislation (Poll 1958, 119–20; M. Cannon 1960, 77; CHC 6:51; Allen and Leonard 1976, 395).

Conversely, as the Edmunds Act failed to alter conditions in Utah, the arguments defending the Mormons by southern opponents of the act in Congress did nothing to help the Latter-day Saints in the southern states. Indeed, two years after the arrival of the presidential commission in Utah, the Cane Creek massacre, mentioned earlier, occurred in Tennessee, forcing a temporary suspension of the Church's missionary activities in the region.

There was both irony and tragedy here. While southerners in Congress had defended a religious minority in the name of preserving constitutional rights, the rights of that same minority were often blatantly violated in the South, and for the rest of the century and on into the next that singularly southern mixture of fellowship and fear continually confronted the Mormon elders assigned to the Southern States Mission.

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