

### Unpopular Sovereignty: Mormons And The Federal Management Of Early Utah Territory

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## Review

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**Rogers, Brent M.** *Unpopular Sovereignty: Mormons and the Federal Management of Early Utah Territory*. University of Nebraska Press, \$65.00  
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Bleeding Utah?: The Importance of Mormon Utah in Antebellum U.S. Politics

Mormon history is firmly rooted in, and a distinct product of, U.S. history. Yet, for much of the twentieth century, nineteenth-century United States historiography and nineteenth-century Mormon historiography have remained frustratingly apart. U.S. historians barely discussed the Mormons in their syntheses, while Mormon historians rarely cast their eyes beyond the narrow (albeit fascinating) confines of the early LDS Church and its adherents. In recent decades, scholars have done much to bring the two histories together, as topics such as Joseph Smith and the origins of Mormonism, polygamy, the Mormon Trail, and Mormon theories of government have all been placed in a wider American framework, yielding intriguing and fruitful results. Early Utah Territory, however, has stubbornly persisted in scholarly isolation. In many ways, this isolation makes sense, as Mormon leaders moved to the Great Basin *to be isolated*. Yet, as Brent Rogers, a documentary editor of the Joseph Smith Papers at the LDS Church History Library, demonstrates in his impressively researched new book *Unpopular Sovereignty: Mormons and the Federal Management of Early Utah Territory*, the drama of 1850s Utah was entangled with the drama of the 1850s United States. Rogers' wide-ranging study skillfully integrates the history of the antebellum United States with Mormon and Native-controlled Utah Territory, and definitively establishes that the 1857 Utah War was indeed a national event – one that informed the larger debate over popular sovereignty and slavery in the decade preceding the Civil War.

The title of Rogers' book is an appropriate one, for the concept of sovereignty infuses all aspects of the book, and as a framing device it holds the

study's expansive elements together. In this approach, Rogers is aided by antebellum Americans' own rhetoric that also returned time and again to sovereignty. Hoping to secure a railroad through his native Illinois, Senator Stephen Douglas orchestrated passage of the Kansas-Nebraska Act, which repealed the Missouri Compromise and opened up Kansas Territory to "popular sovereignty." To Douglas and much of the Democratic Party, popular sovereignty offered a permanent solution to the issue of slavery's expansion by giving territorial inhabitants a vote on slavery's legality in the territory in which they resided, thereby removing the federal government from the decision-making process. Meanwhile, having been forced from U.S. borders in 1846, the Mormons asserted their own sovereignty in the remote Great Basin, at that time claimed but not controlled by Mexico. When the United States gained title to the Great Basin in 1848, Mormon leaders hoped to make what they termed Deseret a state in the Union. By securing statehood, the Mormons would elect their own officials, manage their own marital practices, and essentially govern themselves. However, U.S. officials remained wary of Mormon intentions. Rather than approve Deseret as a state, Congress created Utah Territory, for territorial status would allow greater federal control over the Mormons. Rogers brings together these seemingly unrelated events in Kansas and Utah by demonstrating that, in response to the creation of Utah Territory, Mormon leaders seized on the doctrine of popular sovereignty as the next best alternative to statehood, arguing that its core principal of federal noninterference in the territories did not just apply to slavery in Kansas, but to Mormon practices in Utah. With the Mormons seeking self-sovereignty, and federal policymakers refusing to grant it, the stage was set for the Utah War.

Rogers locates the U.S.-Mormon struggle over sovereignty in Utah Territory in three areas: first, the implementation of republican government; second, regulations over marriage and the family – in particular, the struggle over the Mormon doctrine of plural marriage; and third, control of Native American affairs. In regards to the first two, the book differs from other studies in more its emphases than its broader arguments. The battles over who would wield political power in Utah, and how it would be wielded, have been detailed before, but Rogers makes a more forceful distinction between American republicanism and the Mormon "authoritarian theocratic alternative" (62) – which was not a "theo-democracy," as the Mormons publicly stated then and many scholars have continued to argue today. Ultimately, Rogers contends that federal and Mormon political goals were fundamentally incompatible. Polygamy, too, has been the

subject of many books on Mormon Utah, but Rogers' insertion of sovereignty provides an illuminating integration of the Mormons' internal gender dynamics with both Mormon-U.S. Army relations and U.S. national politics. According to Rogers, the clash over plural marriage was fundamentally a fight for Mormon (male) sovereignty, for sovereignty presumed control over the domestic sphere – in this case, Mormon men's control over Mormon women (84).

Of the three sovereignty locales, *Unpopular Sovereignty's* investigation of Mormon-Native-federal relations is the most novel and also the most fascinating. This clash, unlike that over government and marriage, was a tripartite struggle, as the Utes, Shoshones, and other Great Basin Natives competed with the Mormons and the federal government for sovereignty. Moreover, both Mormon leaders and federal officials believed that only the sovereign power in Utah Territory had a right to engage in Indian diplomacy, and thus they competed with one another for influence among Utah's Natives. When treating with Indians, Mormons consistently argued that they were fundamentally different from Americans, which in turn proved to federal officials – albeit in most cases erroneously – that a Mormon-Indian alliance was in the making (an assertion that plagued the Mormons since their troubles in Missouri in the 1830s). President Buchanan cited Mormon control of Indian affairs as one of the primary reasons to justify an army expedition to Utah. Ironically, in the war's aftermath, after federal officials finally did wrest control of Native relations from the Mormons, it was the Mormons who now believed in an anti-Mormon U.S.-Indian alliance (258). Rogers skillfully interweaves the story of Utah's Indians with both Mormons and federal officials to provide a fascinating portrait of the wider geopolitics of early Utah Territory, and his sifting of evidence to determine in what fashion Mormons did indeed make substantial diplomatic inroads with Utah's Natives is particularly adroit.

While Rogers' narrative of confrontations over sovereignty on the ground in Utah Territory comprises a majority of the book's contents, readers interested primarily in Utah's connection to antebellum politics will be drawn to his discussion of how Utah sovereignty impacted the slavery debate in the United States. In assessing the Buchanan administration's decision to initiate the Utah War, Rogers asserts that it was undeniably legal and probably justified, but it was “not a politically savvy maneuver” (181). The Utah War exposed the central hypocrisy at the heart of Democrats' popular sovereignty doctrine: if Kansans possessed the power to decide on slavery's legality in their territory, why did the Mormons not possess power over their own affairs in Utah? Quoting from an

extensive array of antebellum newspapers, Rogers demonstrates that many Americans immediately recognized the inconsistency. For antislavery northerners, Utah revealed popular sovereignty as, in Lincoln's words, "nothing but a humbug" that existed simply as cover for slavery's expansion (170). For anxious southerners, the Utah War demonstrated the real weakness of popular sovereignty as a legal concept. No matter how much Buchanan and Douglas championed the doctrine as providing self-governance for a territory, from a legal standpoint a territory still remained permanently subject to the federal government. And, if the federal government could wield martial power to interfere with the Mormons' "other peculiar institution" of polygamy, then perhaps it could interfere with *the* peculiar institution in the South. In the end, claims Rogers, the Utah War "irreparably harmed the viability of popular sovereignty as a political concept" (280).

Beyond Rogers' attention to sovereignty, his book possesses several other strengths. First, it presents a clear but sophisticated analysis of legal and constitutional issues in the relationship between Utah and the United States. Rogers not only addresses the nuances of the popular sovereignty doctrine and the legal status of territories, but also topics such as the Mormon rejection of common law in Utah Territory, the application of the 1834 Trade and Intercourse Act to Utah affairs, and the connections between the Morrill Anti-Bigamy Act and the Homestead Act. Additionally, Rogers' assessment that the Utah War was a decisive federal victory over the Mormons, and for federal power in the West more generally, is convincing, and his final chapter on the growth of this power provides a seamless segue to studies that explore the struggle over polygamy in Utah after the Civil War, now the sole locale of sovereignty the Mormons still contested.

Despite all of its strengths, I was only partially convinced by one of *Unpopular Sovereignty's* central arguments that the Utah War decisively exposed the hypocrisies of popular sovereignty. Undoubtedly, Rogers proves that events in Utah *mattered* to antebellum Americans, often a great deal. The Republican platform decrying the "twin relics of barbarism" was in fact concerned with *both* of these relics, and it is a testament to Rogers' scholarship that any new synthesis seeking to describe the countdown to the Civil War must now include the Utah War. But did the Utah War really *prove* to Americans the flaws in popular sovereignty, or simply *confirm* them? To many Americans, Bleeding Kansas was proof enough. Moreover, Rogers scarcely discusses *Scott v. Sandford* (165), a decision that the Supreme Court delivered in March of 1857,

the same month as Buchanan initiated the Utah War. While the Utah War may have exposed popular sovereignty as hypocritical, Taney's opinion essentially declared popular sovereignty unconstitutional: no territory (or state) could prevent slaveowners from bringing slaves across its borders, no matter the will of its citizens. It was this decision that ultimately destroyed popular sovereignty's viability. Tellingly, while Rogers cites extensive newspapers to show the importance of Utah in antebellum politics, these citations are clustered around 1857, suggesting that its significance in the national dialogue rapidly diminished in the final years before secession. Although it entered and influenced the national conversation over slavery, for most Americans Utah Territory remained far away, and ultimately their attention turned to events and decisions that hit much closer to home.

Like all good works of history, *Unpopular Sovereignty* raises as many questions as it answers, particularly in regards to Utah's place within the wider U.S. West. At various points Rogers places Utah not only alongside Kansas, but also other U.S. territories. He compares, for example, the U.S. approach to Catholicism in New Mexico with its approach to Mormonism in Utah (56), and Oregon's provisional government with the provisional state of Deseret (42-43). As Rogers admits, these brief comparisons are not the primary purpose of his work, but they undoubtedly offer lines for further inquiry about the broader status of the territories in the late 1840s and 1850s. Utah, perhaps, was not as exceptional as scholars may have assumed, but we will only know with further study.

Ultimately, *Unpopular Sovereignty* is a noteworthy addition to both U.S. and Mormon historiography, and will be the vital text on early Utah Territory's important place in the American Union for years to come. Rogers must be commended for this fine effort.

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