

Impasse at Provo kindled to new heights Johnston's antipathy for Mormon ways, and his contempt for any compromise with them.

Judging from the tone of administration papers [he complained to his son], our government is about to or rather has yielded to the people of this territory the right to establish a priestly autocracy & their vile polygamous institution. . . . The Mormons have not changed; the theocracy is the same, sustained by the same bloody code as before. . . . There is no more recognition & enforcement of the civil law than there was before.

The United States government had appointed three able and honest men (the federal judges) to administer justice, said Johnston, but under the circumstances they had been unable to do so. "Cradlebaugh from Ohio seems to be a noble fellow; [he] is now making every effort to bring criminals to justice, but he will fail." Crimes of the most monstrous nature, including the Mountain Meadows Massacre, had been committed with Church sanction, believed Johnston; justice could not be rendered without military protection of the courts.<sup>46</sup>

Johnston disavowed any feeling of vindictiveness against the Mormon people. Their mores presented legal and social problems of the deepest gravity, he observed; to solve them demanded the best ability of the nation, "aided by the wisdom of experience to determine it." Yet the problem could not be ignored. An ecclesiastical despotism was in the midst of the republic, he felt; to tolerate it would be to create a government within a government.

This cannot be—How then can the change be made without violence, without perhaps cruelty. Yet we must make their government and social organisation conform to ours and it is also our solemn duty to do this tenderly & without vindictiveness; yet it is a duty to be performed and cannot be avoided.<sup>47</sup>

Federal military and civil authorities in Utah were now in open discord. Rumors were abroad that Johnston planned to seize Salt Lake City and to order an artillery bombardment on Provo. Emboldened by Cumming's proclamation, the Mormons redoubled their preparations to resist. Heth's sentries were stoned one night, but not again after he sternly threatened to open fire if the deed was re-

<sup>46</sup> Johnston to William Preston Johnston, March 31, 1859. Johnston Papers, Barret Collection.

<sup>47</sup> *Ibid.*, April 14, 1859.

peated.<sup>48</sup> Amid the agitation, Judge Cradlebaugh finally saw the futility of attempting to indict his prisoners. Mormon witnesses either fled or refused to talk; Mormon grand jurors refused to act. On April 2, Cradlebaugh adjourned court in defeat and disgust. The troops left for Camp Floyd, taking their prisoners with them.<sup>49</sup>

Mormon jeers and catcalls followed the column as it marched out of Provo. Cheers greeted it at Fairfield and Camp Floyd, where the soldiers waited in great excitement. "It is by no means improbable, that, without the strict discipline in which they were held, they would have seized, and lynched the Mormon prisoners on the spot," reported a member of the Provo detachment.<sup>50</sup>

Even as tempers flared over the employment of troops at Provo, another incident occurred to embitter the army and the Mormons against each other. On March 23 a fight took place between a soldier and a citizen of Utah. The affray grew out of an order by Johnston that the Mormon be evicted from an Army grazing reserve in Rush Valley.

Upon establishing Camp Floyd, Johnston had set aside a number of areas in the national domain, including Rush Valley, for the use of government herds. In taking this action, he seems to have observed as carefully as possible the needs of the inhabitants; when in the fall of 1858 he received complaints that government herds were encroaching upon grazing grounds of the citizens of Nephi City, he ordered the government herds removed.<sup>51</sup> When Governor Cumming asked permission for a prominent Mormon, Daniel Spencer, to leave his cattle in Rush Valley until the following spring, Johnston honored the request.<sup>52</sup> Upon learning in March, 1859, however, that Spencer's place was being used to sell whiskey to the soldiers, Johnston ordered Spencer ousted at once. When a detachment of troops sought to carry out the General's orders, Spencer's nephew, Howard Spencer, resisted and threatened Sergeant Ralph Pike with a pitch-

<sup>48</sup> Heth to Porter, March 27, 1859 (copy), Johnston Papers, Barret Collection.

<sup>49</sup> Furniss, *The Mormon Conflict*, pp. 216-217. Other descriptions of the Provo crisis are in the *Valley Tan*, April 5, 12, 1859; Brown Diary, April 9, 1859; Edwards Diary, October 9, 1859.

<sup>50</sup> Alter (ed.), *The Utah War: Journal of Albert Tracy*, pp. 65-67. See also Journal, Phelps Papers, April 5, 1859.

<sup>51</sup> Porter to Henry Little, November 28, 1858 (copy), Adjutant General's Book, Department of Utah, Johnston Papers, Barret Collection.

<sup>52</sup> Daniel Spencer to Johnston, March 31, 1859 (copy), Porter Papers.

fork; Pike then struck Spencer a near-fatal blow on the head with his rifle.<sup>53</sup> At least this is the way Johnston believed the affair took place. To the Mormons it was an instance of wanton brutality upon an innocent citizen.

When he had recovered from the blow, young Spencer brought charges in the United States District Court against Sergeant Pike for assault with intent to commit murder. Johnston sent Pike under Marshal Dotson, and accompanied by a small military escort, to Salt Lake City to stand trial. There, on August 11, while walking down the street under custody of Marshal Dotson, Pike was shot from behind by an assailant who quickly escaped into the surrounding crowd of Mormons. Pike said the man who fired the shot was Spencer; a few hours later Pike died.<sup>54</sup>

The murder of Sergeant Pike kindled an almost irrepressible rage among the soldiers at Camp Floyd. With the greatest difficulty Johnston held them in check. By assigning special guards, he prevented all violence except for a single raid in which some Mormon property was destroyed by a group of Pike's comrades in the nearby village of Cedar Fort.<sup>55</sup> Pike's body was returned to Camp Floyd and buried with military honors. Johnston, with the entire command, attended the funeral. Pike's bitter epitaph read:

Ralph Pike . . . fell the victim of Mormon assassination in Great Salt Lake City in open day, having gone there in obedience to the mandate of the civil authorities.<sup>56</sup>

A junior officer reflected the feeling of the whole army when he wrote, "The feeling left upon the minds of all has struck deep."<sup>57</sup>

Johnston's imbroglio with Governor Cumming over the Provo affair obliged the Buchanan Administration to issue explicit instructions regarding the authority to use troops in Utah. Both Johnston

<sup>53</sup> Johnston to Cumming, March 26, 1859, Letters Sent, Department of Utah, Records of the War Department.

<sup>54</sup> Porter to Johnston, August 15, 1859 (copy), Adjutant General's Book, Department of Utah, Johnston Papers, Barret Collection.

<sup>55</sup> These soldiers were tried, convicted, and punished. See General Order No. 2, January 24, 1860, Order Book, Department of Utah, Johnston Papers, Barret Collection.

<sup>56</sup> "Journal History," August 17, 1859, Church Historian's Office, Salt Lake City.

<sup>57</sup> Alter (ed.), *The Utah War: Journal of Albert Tracy*, pp. 73-74. For Mormon accounts of the shooting of Sergeant Pike, see Brown Journal, August 15, 1859; Stout Diary, August 11, 1859.

and Cumming had asked for clarification. Urging support of the judges, Johnston lectured his superiors on the misdeeds of the Mormons. He reminded them of

the horrible crimes which have been perpetrated in this territory, crimes of a magnitude and of an apparently studied refinement in atrocity, hardly to be conceived of, and which have gone unwhipped of justice—These if the judges are sustained they will endeavor to bring to light. . . . The Mormon polity and their social organization . . . are anomalies which our government . . . will correct. . . . If I err in presenting these views, not strictly within the scope of my duty, it is because I fear to err more by neglecting to present them, because in my opinion the question of Mormonism is one which involves the integrity of our country, and the morality of a great nation.<sup>58</sup>

Johnston believed the Mormons guilty of a multitude of atrocities; he was convinced that a test of strength was required to settle whether federal authority or local autonomy was supreme in Utah; he was prepared to back up the judges with whatever force the situation demanded.

To Johnston's dismay, the Buchanan Administration supported Cumming, not the judges. Conciliation was the chief quality of President Buchanan's nature; as he would shun a resort to arms in the secession crisis two years later, so now he shunned coercion of the Mormons. Plagued by the aftermath of the Panic of 1857, by the heavy expense of the Utah expedition, and by fierce opposition in Congress, he decided not to run the risk of provoking hostilities.

On May 6 Secretary of War Floyd, much against his own wishes, issued to Johnston new instructions in keeping with a decision taken by the President and his Cabinet a few days before. Since peace was now restored to Utah, said Floyd, the judiciary no longer required military assistance. Services of the troops were unnecessary, except to aid the governor in executing the laws. Only upon written application of the governor for the use of troops as a *posse comitatus* was Johnston to employ his command to keep domestic peace. "The fidelity with which you have obeyed the instructions of this Department heretofore given you," said Floyd in conclusion, "is the fullest guarantee that you will with the same zeal and efficiency conform to these."<sup>59</sup>

Floyd was right in assuming that Johnston would obey orders.

<sup>58</sup> Johnston to Thomas, March 31, 1859, Letters Sent, Department of Utah, Records of the War Department.

<sup>59</sup> John B. Floyd to Johnston, May 6, 1859, Johnston Papers, Barret Collection.