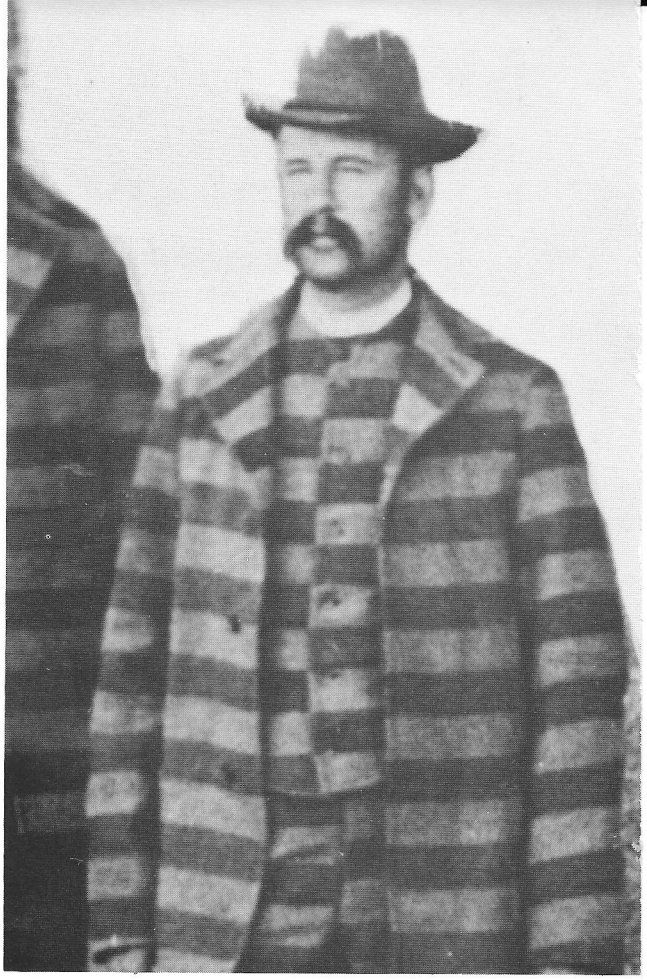
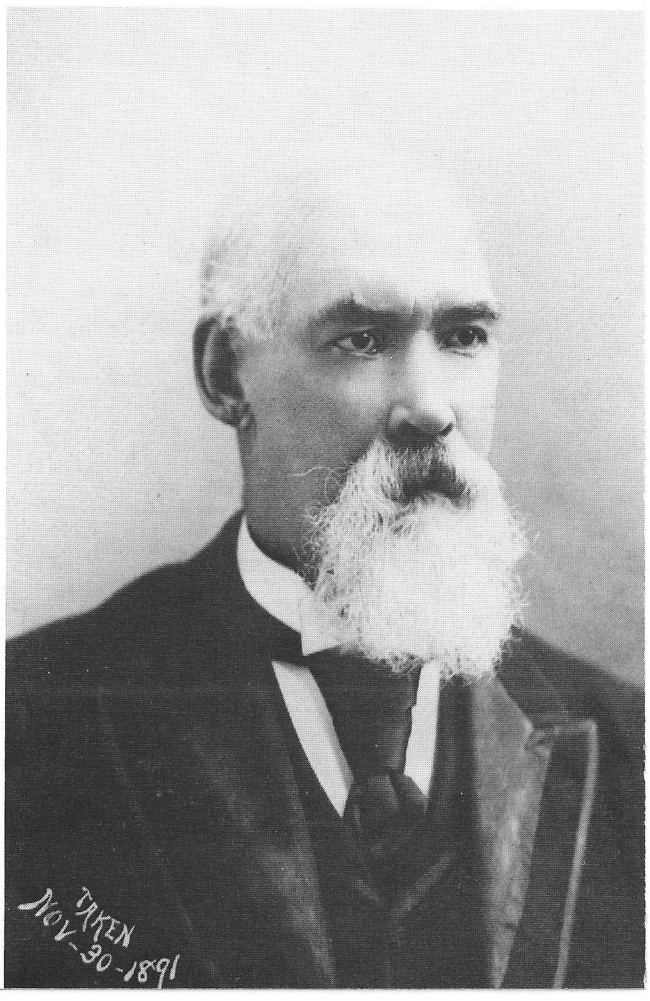
"Good Guys" vs. "Good Guys": Rudger Clawson, John Sharp, and Civil Disobedience in Nineteenth-century Utah

BY JAMES B. ALLEN





ON SEPTEMBER 29, 1885, MORMON Bishop Hiram B. Clawson joined his son, Rudger, as a convict in the Utah Territorial Penitentiary. Both were imprisoned for violating a constitutional law of the land—the law against plural marriage. But before going to prison Bishop Clawson ex-

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Top: *Rudger Clawson in prison garb.* Bottom: *Bishop John Sharp. USHS collections.*

pressed no regrets for what he had done. "To me there are only two courses. One is prison and honor, the other is liberty and dishonor."[1]

Two days later another Mormon bishop, John Sharp, sat before the Salt Lake Stake High Council. Because he had recently decided to obey the law of the land by giving up plural marriage, and to counsel others to do so, he was required to resign his bishopric. Already he was taking a barrage of criticism from life-long friends and revered church leaders. "But," he later said, "I acted according to the dictates of my conscience, and just as in all wisdom I should have acted."[2]

Today, when such terms as *Watergate, campaign funding,* and even *FBI* call forth distressing images of corrupt people in high places, one almost forgets another kind of public ethic. Under what circumstances is dissent from civil law morally justified, especially among a religious people who hold that their nation's Constitution is divinely inspired and that they have a religious duty to honor, obey, and sustain the law? To what degree is a dissenting group morally obliged to tolerate an opposite view within its ranks—that is, the view that the law from which it is dissenting really ought to be obeyed? These questions have been asked in every age and will undoubtedly be asked again. The experiences of two prominent Latter-day Saints in nineteenth-century Utah, Rudger Clawson and John Sharp, bring them into dramatic focus.

This paper does not propose to answer the moral dilemma posed by these questions; it will only suggest that it is not always a question of the "bad guys" versus the "good guys," that there are times when "good guys" can be on opposite sides of the same question—even a question of obedience to constitutional law. To deal with such issues is to demonstrate the pitfalls of harsh judgments and to suggest that moral rightness or wrongness is not always absolute in terms of specific actions. Rather, if one is to make any judgment at all it must be based on examination of motives, intentions, and integrity.

The problem of dissent and civil disobedience in nineteenth-century Utah fits into an important American pattern. In every age some people have found certain laws offensive to their fundamental values and have taken upon themselves the burden of opposing and openly violating them. The Puritan fathers dissented both from the Church of England and from the laws that made it difficult for them to worship freely. Ironically, when they gained control of New England they tolerated even less

[1] *Deseret News,* September 29, 1885.
[2] *Salt Lake Tribune,* November 7, 1885.

dissent than the mother country had. Roger Williams, dissenting from them, insisted that government should have no influence on matters of strictly religious concern, and for that he was banished. The American Revolution was the result of dissent from laws considered unjust—a dissent fanned into flame by the powerful words of Thomas Paine and brilliantly justified on the basis of higher law by Thomas Jefferson. Every American war—including the Revolution itself—has had its dissenters. Perhaps a third of the American colonists remained loyal to the Crown, clearly dissenting from the dissenters. Dissenters from public policy agitated the question of slavery before the Civil War, and dissenters from public policy brought about some positive business reforms near the end of the nineteenth century. In recent times civil rights marches, sit-ins, and other peaceful violations of the law for the purpose of achieving reform were all the result of a conviction that a higher law compelled and even justified violating an unjust law of man. Religiously, the refusal of the Jehovah's Witnesses to salute the flag had similar overtones.

In 1846 the United States declared war on Mexico, and young Henry David Thoreau, among others, objected. To him the war was unconstitutional, immoral, and totally unjustified, and to emphasize his dissent he refused to pay his taxes. His sense of loyalty to a higher moral law compelled him to disobey the law of man. As expected, he was soon imprisoned, and he was indignant when a well-meaning aunt bailed him out. Imprisonment was the symbol of his conscious disobedience of the law of man, and it became a catalyst for one of his most famous essays, "On the Duty of Civil Disobedience." Thoreau was deeply concerned for freedom of the individual, as opposed to the tyrannical will of the majority so often expressed through legislation. "Must the citizen even for a moment," he asked, "or in the least degree, resign his conscience to the legislator?" His resounding answer was NO. "Under a government which imprisons unjustly," he proclaimed, "the true place for a just man is also a prison."

But how does a person decide what law he is morally obliged to disobey? During the turbulent 1960s Supreme Court Justice Abe Fortas observed that

> anyone assuming to make that judgment that a law is in this category assumes a terrible burden. He has undertaken a fearful moral as well as legal responsibility. He should be prepared to submit to prosecution by the state for the violating of the law and the imposition of punishment if he is wrong or unsuccessful.

Fortas was also concerned with the attitude of dissenters toward those of their own group who dissent from them:

> Dissent and dissenters have no monopoly on freedom. They must tolerate opposition. They must accept dissent from their dissent. And they must give it the respect and the latitude that they claim for themselves.[3]

To the Mormons of nineteenth-century Utah the problem of civil disobedience was one of utmost urgency. They faced it first in 1862 when the federal government outlawed their practice of plural marriage in the Morrill Anti-Bigamy Act.[4] But for the Latter-day Saints polygamy was a religious principle protected by the Constitution of the United States. The law was a violation of their deepest religious convictions, and it was impossible for them to sustain or obey it. Their first defense was simple—they merely declared that the law was unconstitutional and that, therefore, they need not obey it. Five years later Apostle John Taylor expressed the prevailing attitude:

> The Republicans . . . have been very fond for a long time of talking about a higher law of some kind. We, too, have a higher law . . . a law that emanates from God; a law that is calculated to promote the best interests and the happiness of this people. . . . Then do you profess to ignore the laws of the land? No, not unless they are unconstitutional, then I would do it all the time. Whenever the Congress of the United States, for instance, pass a law interfering with my religion, or with my religious rights, I will read a small portion of that instrument called the Constitution of the United States, now almost obsolete, which says—"Congress shall pass no law intefering with religion or the free exercise thereof;" and I would say, gentlemen, you may go to Gibraltar with your law, and I will live my religion."[5]

In general, the Saints shrugged their shoulders and went on living their higher law, believing that their position would be vindicated if the antibigamy law reached the Supreme Court. In 1879 it did, and the dilemma faced by the Saints suddenly assumed monstrous proportions. In the Reynolds case the law was upheld as constitutional, the court stating that although laws "cannot interfere with mere religious belief and opinions, they may with practices."[6] The Mormons were shocked,

[3] Abe Fortas, *Concerning Dissent and Civil Disobedience* (New York: Signet Books, 1968), pp. 125–26.

[4] The law stated that any person having a husband or wife living who should marry another would be guilty of bigamy and subject to a fine of $500 and imprisonment for five years. Further, it invalidated the law of Utah Territory that had incorporated the Church of Jesus Christ of Latter-day Saints and made it unlawful for any religious corporation in any territory of the United States to hold real estate greater than $50,000.

[5] *Journal of Discourses,* 26 vols. (Liverpool, 1854–86), 11:343.

[6] *United States* v. *Reynolds,* 98 U.S. 145.

for the decision presented a shattering blow to their confidence in the ultimate protection of the Constitution. Irreversibly, the Anti-Bigamy Act was now the law of the land, and a resort to traditional constitutional arguments in defending civil disobedience was no longer valid.

But to the Saints it was not that simple. They still had their wives and children, whom the law, as interpreted by federal judges, would require them to disown. Equally important, they still had their sincere religious convictions, which the law could not destroy and which their consciences could not allow them to ignore. They could discontinue plural marriage only by the same authority which, they believed, had commanded it—the voice of revelation.

John Taylor, leader of the church since the death of Brigham Young, was interviewed by O. J. Hollister, collector of internal revenue and a correspondent of the *New York Tribune,* a few days after the Reynolds decision. Like a commanding general burning with the unshaken conviction that his cause could never fail, Taylor announced the philosophy of civil disobedience that would prevail among the Latter-day Saints for the next eleven years:

> I know that God has given this [plural marriage] to us for our guidance. You may not know, but I know that this is a revelation from God and a command to his people, and therefore it is my religion. I do not believe that the Supreme Court of the United States or the Congress of the United States has any right to interfere with my religious views, and in doing it they are violating their most sacred obligations.[7]

The Founding Fathers intended to protect religious liberty, yet the government, Taylor maintained, had violated that trust.[8] Therefore, the law was still unconstitutional; the court was wrong and it was the government, not the Mormons, that was the transgressor.

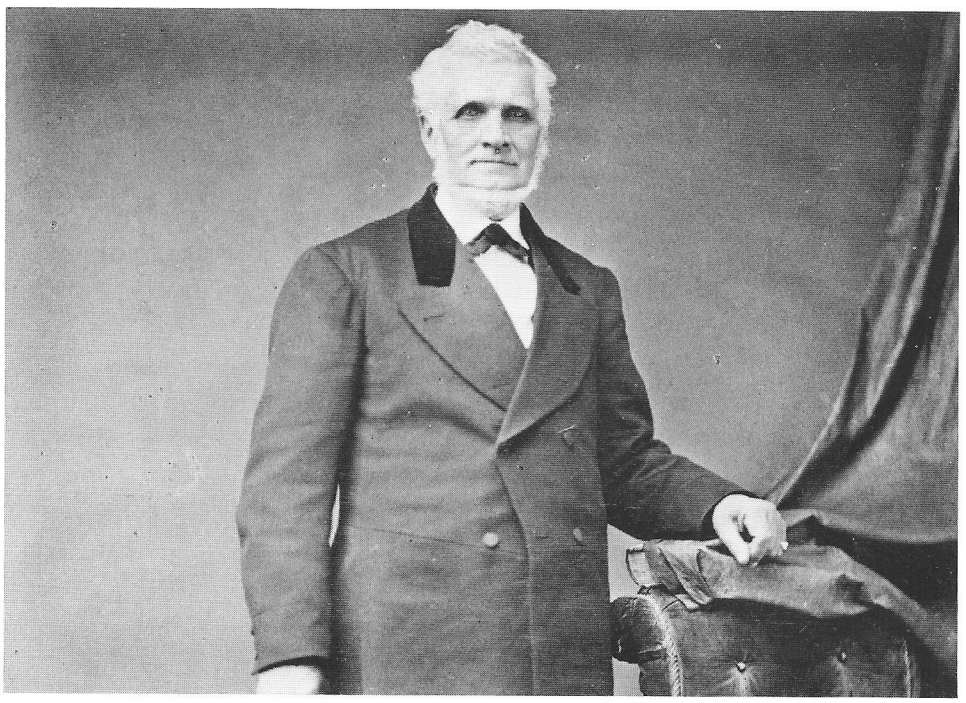
> We are not the parties who produce this antagonism, it is men who place themselves in antagonism to the Constitution of the United States. We are governed by the law of God, which is not in violation of that Constitution. Our revelation given in August 1831 specifically states that if we keep the laws of God we need not break the laws of the land. Congress has since, by its act, placed us in antagonism to what we term an unconstitutional law, and it now becomes a question whether we should obey God or man.[9]

The First Amendment provision that Congress should make no law respecting the establishment of religion or prohibiting its free exercise

[7] *The Supreme Court Decision in the Reynolds Case; Interview between President John Taylor and O. J. Hollister,* reported by G. F. Gibbs (Salt Lake City, 1879), p. 4.

[8] Ibid., p. 6.

[9] Ibid., pp. 6–7.



John Taylor justified civil disobedience with regard to antipolygamy legislation on the basis of First Amendment protection of religious freedom, despite Supreme Court rulings. USHS collections.

superseded all other opinion, even the opinion of the court, and this idea would prevail as long as Taylor lived. The Saints would oppose the law by continuing to violate it, though they hoped eventually it would be changed. They would also continue to preach the doctrine of plural marriage and would bow to no one in their conviction that what they taught was true. Even if it meant imprisonment and fines, their determination to prevail would be their most potent weapon and would result, they believed, in victory.

The year 1879 seemed to put new life into the forces determined to destroy polygamy and new determination into the hearts of the Saints to stand their ground.[10] Some of those who led the battle against polygamy, were, of course, seeking little more than personal political or economic advantage. Others were well-meaning reformers, morally outraged at the practice and genuinely concerned that the Saints conform

[10] For an in-depth discussion of this period of conflict, see Gustive O. Larson, *The Americanization of Utah for Statehood* (San Marino, Calif.: Huntington Library, 1971). For a summary treatment see James B. Allen and Glen M. Leonard, *The Story of the Latter-day Saints* (Salt Lake City: Deseret Book Co., 1976), chap. 12. See the bibliography for that chapter for more intensive reading.

to marriage standards they considered the foundation of American society.[11] The Mormons were equally sincere in their belief in the moral rightness of their cause and that through the process of civil disobedience they were only sustaining a higher law.

Events moved rapidly toward a judicial crusade in Utah of mammoth proportions. In March 1882 the Edmunds Act strengthened the Anti-Bigamy Act of 1862 and distinguished between polygamy and unlawful cohabitation.[12] Anyone who had a husband or wife living and then married another was guilty of polygamy and subject to five years in prison and a $500 fine. Unlawful cohabitation was defined as living in a polygamous relationship and was punishable by six months in prison and a $300 fine. These and other stringent provisions added teeth to the law, and the judicial crusade began almost immediately.

For their part, the Mormons took the same attitude toward the Edmunds Act that they had toward the Anti-Bigamy Act: it was unconstitutional, for it was designed to interfere with the free exercise of religion, any act of Congress or decision of the Supreme Court notwithstanding. Such a view could hardly be upheld in constitutional law, but in a sense John Taylor had no other alternative. To abandon plural marriage, either in principle or practice, was to him unthinkable; to admit that the Saints were violators of constitutional law was almost equally unthinkable. With statehood for Utah one of the most urgent political objectives of the Saints—the fourth statehood effort began shortly after passage of the Edmunds Act—they could not admit violation of *constitutional* law when willingness to uphold the Constitution was a necessary criterion for statehood. John Taylor took this cruel dilemma by both horns and continued to denounce the law as unconstitutional:

> We have no fault to find with our government, we deem it the best in the world, but we have reason to deplore its maladministration. . . . We shall abide all constitutional law, as we have always done: but . . . we will contend inch by inch legally and constitutionally, for our rights as American citizens . . . and plant ourselves firmly on the sacred guarantees of the constitution.[13]

The Mormons began to challenge certain provisions of the Edmunds Act. One was the method employed to impanel jurors that allowed dismissal of any prospective juror who believed in polygamy,

[11] See, for example, Thomas G. Alexander's characterization of Judge Charles S. Zane in his "Charles S. Zane, Apostle of the New Era," *Utah Historical Quarterly* 34 (1966):290–314.

[12] Named after Sen. George F. Edmunds, Republican of Vermont, who had been active in efforts to reconstruct the South after the Civil War.

[13] *Journal of Discourses*, 23:65–67; Larson, *Americanization of Utah*, pp. 96–97.

whether he practiced it or not. This stipulation was upheld when Rudger Clawson's case reached the Supreme Court in 1885.[14] The Saints also objected to the fact that the Utah Commission, established under the Edmunds Act, had formulated a test oath which, if not sworn to, would disqualify them from voting. In a decision of March 23, 1885, their view was upheld, though the same case struck down their claim that the Edmunds law was an ex post facto law and therefore unconstitutional. Polygamy was held to be a continuous violation, so that if it continued after the laws were passed a person could be prosecuted.[15] In these and other cases the court slowly clarified the technicalities as well as the constitutionality of antipolygamy prosecution.

Nevertheless, the Saints, under the leadership of the venerable John Taylor, continued to justify civil disobedience by interpreting their course as conformity to the *spirit* of the Constitution. Patriotism was still a virtue, so it was not inconsistent for the First Presidency to issue this statement on July 24, 1885: "Rally around the standard of freedom, uphold the flag of the Republic, sustain the principles of human liberty, and maintain inviolate the Constitution of the United States and all laws in accordance therewith, and God shall smile upon you."[16] Such sentiment regarding constitutional law must have seemed unbelievable to Charles S. Zane and other federal judges, but it was consistent in the minds of those who had decided that not even a majority of the justices of the Supreme Court, influenced as they were by public opinion, were proper judges of constitutionality when it came to LDS religious practice. In October the First Presidency, who had gone into hiding, sent this message reaffirming their position to the general conference of the church:

> We repeat, that we desire that all men should be aware of the fact that we have been the upholders of the Constitution and laws enacted in pursuance of that sacred instrument. We still entertain the same patriotic disposition, and propose to continue acting in conformity with it to the last. Neither have we any desire to come in active conflict even with statutes that we deem opposed to the Constitution both in letter and spirit. Whatever opposition has been offered in that line has been only of such a character as is justified by the usages and customs of this and all other civilized countries.... It must be contended, however, that... there

[14] See *Clawson* v. *United States,* 114 U.S. 477, which was decided on April 20, 1885. Larson, *Americanization of Utah,* p. 109, states that it was decided on January 19, but this is a mistake. The January 19 case, *Clawson* v. *United States,* 113 U.S., 143, dealt only with Clawson's objection that he had not been allowed bail while his appeal was pending.

[15] *Murphy* v. *Ramsay,* 114 U.S. 15.

[16] James R. Clark, ed., *Messages of the First Presidency of the Church of Jesus Christ of Latter-day Saints,* 6 vols. (Salt Lake City: Bookcraft, 1965–75), 3:22.

> never can be any hope of our yielding up, under any circumstances, a principle of conscientious or religious conviction. Were we to make such a surrender, our conduct in that respect would not be in harmony with the guaranties of the Constitution, which we are in duty bound to uphold.[17]

The First Presidency rationalized their civil disobedience by taking the view that the higher law was the only true basis for judging the constitutionality of man's law.

Ultimately, not even the Edmunds Act was enough to bring about a change in policy, and in 1887 the Edmunds-Tucker Act imposed even heavier restrictions upon the Saints, disincorporated the church, provided for the confiscation of its property, and threatened to destroy it as a viable political entity. Three years later, after it became clear that the very existence of the church was at stake, President Wilford Woodruff announced his now-famous Manifesto advising the Saints to contract no marriages against the law of the land. As explained by George Q. Cannon, a counselor to Woodruff, the Saints were now acting under the spirit of a revelation received by Joseph Smith back in 1841:

> Verily, verily, I say unto you, that when I give a comandment to any of the sons of men to do a work unto my name, and those sons of men go with all their might and with all they have to perform that work, and cease not their diligence, and their enemies come upon them and hinder them from performing that work, behold, it behooveth me to require that work no more at the hands of those sons of men, but to accept of their offerings.[18]

"It is on this basis," Cannon delared, "that President Woodruff has felt himself justified in issuing this Manifesto."[19] Technically, the reformers had won their limited objectives, but the Mormons had also won at least a moral victory. They had demonstrated their willingness to bear any attack on their convictions and had not abandoned their religious practice until they believed the voice of revelation had commanded them to.[20]

The judicial crusade of the 1880s created a garrison attitude among the Saints. They defended the principle of plural marriage with stepped-up fervor, and for a short time the number of new plural marriages actually increased. After prosecution began under the Edmunds Act, more than a thousand judgments were imposed for unlawful cohabitation. In addition, otherwise law-abiding citizens took up residence on the

[17] Ibid., 3:30.

[18] Doctrine and Covenants, 124:49.

[19] See full discourse in *Deseret News Weekly,* October 18, 1890.

[20] See Allen and Leonard, *The Story of the Latter-day Saints,* chap. 13, for a brief background of the Manifesto, and the bibliography for this chapter for in-depth reading.

underground—that is, went into hiding to escape prosecution. Among these were the First Presidency of the church and most of the Council of the Twelve Apostles. Those who served time in prison suffered great indignity for conscience' sake and became heroes in the eyes of their coreligionists. The Saints gave the impression of presenting a solid front, but within the ranks there were differing perspectives on what their obligations ultimately must be. The stories of Rudger Clawson and Bishop John Sharp bring that issue into dynamic focus.

Rudger Clawson was the first to be tried under the Edmunds Act, and for that he gained a permanent spot in the Mormon hall of fame. He was already a folk hero among the Saints. They remembered him as one of two missionaries in Georgia in 1879 who were set upon by a mob that intended to beat them brutally. When Joseph Standing tried to escape he was shot to death, and the guns were then turned on Clawson. Thinking his time had come, he calmly folded his arms, looked his assailants in the eyes, and said, "Shoot." The mob was unnerved, and let him go.[21]

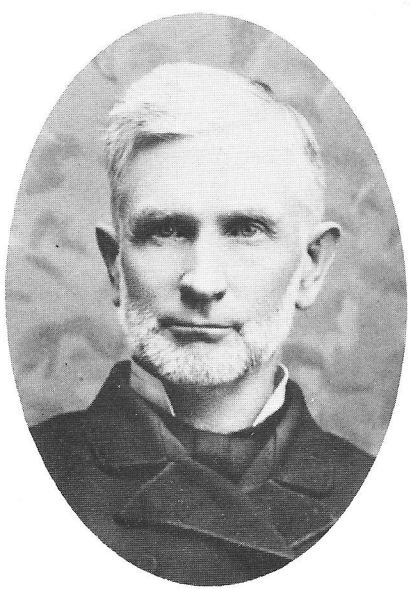
Born in 1857, Clawson was the son of Bishop Hiram B. Clawson and his plural wife Margaret Judd Clawson. Hiram was a prominent Utah businessman, a friend and son-in-law of Brigham Young, and, until 1875, superintendent of ZCMI. In 1882 he became bishop of the Salt Lake City Twelfth Ward. His son took naturally to both business and religious commitments. He became a bookkeeper for John W. Young of the Utah Western Railway, sometimes traveled east for his employer, and also kept accounts for a store owned by his cousin Spencer Clawson. His first wife was Florence Dinwoodey, daughter of a wealthy furniture dealer. In 1883 he married Lydia Spencer as a plural wife, obviously in direct violation of the recently passed Edmunds Act. This, together with the fact that he was the prominent son of a prominent Mormon family, made him particularly vulnerable to early prosecution. On April 24, 1884, Rudger Clawson was indicted by a grand jury for polygamy, arrested, and released on $3,000 bond.[22] Immediately, his lawyers attempted to have the indictment quashed on the grounds that the grand jury was illegally drawn. The attempt failed, and in October the case came up for trial before Judge Charles S. Zane.

[21] For an insight into the respect with which young Clawson was held, see the treatment in Orson F. Whitney, *History of Utah,* 4 vols. (Salt Lake City, 1892–1904), 3:87–95, and the impassioned 1884 discourse on him by John Taylor in B. H. Roberts, *The Life of John Taylor* (1892; reprint ed., Salt Lake City: Bookcraft, 1963), pp. 372–77. Whitney summarizes the Clawson trial in *History of Utah,* 3:278–79, 293–320.

[22] *Deseret News,* April 25, 1884.

The dramatic confrontation between Judge Zane and Rudger Clawson produced a clash of two dynamic forces, neither of which, with the benefit of hindsight, can be judged as morally evil. Like similar magnetic forces, both had great attraction and drew large followings, but when thrown together they repelled each other both figuratively and literally. If Rudger Clawson was the ideal example of an honest, moral, and dedicated Saint determined never to abandon a religious practice, Zane was the prototype of the honorable and dedicated public servant who thought that same religious practice was reprehensible. Just as Clawson's sense of moral integrity compelled him to disobey the law, Zane's sense of public duty compelled him to enforce it with every means at his command.

Zane had been a respected attorney in Illinois, and when Abraham Lincoln became president, Zane took his place as William H. Herndon's law partner. From 1875 to 1883 he served as a circuit judge in Illinois, and in 1884 he was appointed chief justice of the Utah Supreme Court. He arrived in Utah late in August and was soon assigned to the Third Judicial District. He was a man of high personal integrity, and his general conduct as a judge was fair and impartial. He came into conflict with the Mormons because polygamy seemed to him to violate the fundamental moral standards of society and ought, therefore, to be eliminated. More important, the laws against it were clear, and he saw it as his responsibility to enforce them strictly and in a manner that would discourage continued violation. His sentences were harsh; although a few of his more extreme interpretations of the law were overthrown, they were the result of an intensive zeal for what he considered a righteous cause. By offering clemency to those Mormons who would agree to abide by the law he hoped to induce others to capitulate, but for those who would not obey the law he offered only punishment to the full extent allowed. His antipolygamy stance was probably not an effort to destroy the church, and it is reasonable to believe that he hoped to end the bit-



Judge Charles S. Zane was determined to enforce the law. USHS collections.

ter conflict with as little retribution as possible. After the Manifesto of 1890 Zane signed a petition requesting official pardons for members of the church and was instrumental in getting the forfeited bail of George Q. Cannon returned.[23]

Rudger Clawson first appeared in Charles Zane's court on October 2, 1884, only a month after the judge had taken office. Clawson was not ready to plead guilty. If he was going to be punished for violating a law he considered unconstitutional, then the United States would have to go all the way in proving him guilty.[24] Clawson himself did not testify, and the parade of witnesses called by the prosecution gave, at best, only hearsay evidence that he was married to a plural wife. Both Lydia Spencer, the alleged plural wife, and Margaret Clawson, the defendant's mother, were subpoenaed as witnesses, but neither could be found. In the end the jury could not agree and the case was dismissed. That night, however, Lydia Spencer was apprehended by federal deputies, and a retrial was quickly ordered. The star witness at first refused to testify, whereupon she was taken to the territorial penitentiary under a threat from the judge that unless she testified she would be kept there indefinitely. The next morning, pale and distraught after a night of anguish, the young girl appeared in court again, sadly ready to testify. Seated in the audience was Orson F. Whitney, a representative of the press and soon to become one of Mormonism's eminent historians. He later described her decision this way:

> Yet it was not for herself . . . that she wore that look of pain. It was for the man she loved, her husband in the sight of heaven and according to the law of God, as she believed; man's laws and man's belief to the contrary, notwithstanding. The sorrow now felt by the brave girl, who would willingly have gone to prison for an indefinite period for the sake of that husband, the father of her child, was due to the fact that he had requested her to remain silent no longer, but to disclose the truth touching their marital relations.[25]

[23] See Alexander, "Charles S. Zane," for a study of his judicial career. See also Whitney, *History of Utah,* 3:266–69, for a surprisingly balanced discussion of Zane's character. Whitney is more generous with Zane than is B. H. Roberts, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints, Century I,* 6 vols. (Salt Lake City: Deseret News Press, 1930), 6:176–77. Alexander, pp. 291–92, perhaps exaggerates slightly the dichotomy of opinion on Zane. He inadvertently leaves the impression that Roberts or Whitney wrote that Zane's object was the "overthrow of Mormonism as a religion." Neither of these authors actually accuses Zane of such an object, though Whitney correctly asserts that, like Judge James B. McKean before him, Zane was *charged* with "having as his object the overthrow of Mormonism as a religion." But, says Whitney, regarding various charges against McKean, "little if any of these could truthfully be said" of Zane (pp. 266–67). Whitney probably characterized him well in the simple statement that, "He was zealous for what he believed to be right, and as persistent in opposing what he believed to be wrong" (p. 267).

[24] An account of the trial and conviction is in Whitney, *History of Utah,* 3:293–319.

[25] Ibid., 3:313.

It was one of the shortest trials on record. The distraught Lydia took only a few minutes to testify that she had been married in 1883 to Rudger Clawson. She then left the courtroom escorted by her father-in-law. With no further argument from either side, the jury retired for seventeen minutes and returned a verdict of guilty on two counts: polygamy and unlawful cohabitation.

On November 3, 1884, young Clawson received his sentence. What passed between judge and convict on that day brought into sharp focus the conflicting attitudes toward civil disobedience. When asked to show cause why judgment should not be pronounced, the prisoner simply stated:

> I very much regret that the laws of my country should come in contact with the laws of God, but whenever they do I shall invariably choose the latter. If I did not so express myself I should feel unworthy of the cause I represent . . . . The law of 1862 and the Edmunds Law were expressly designed to operate against marriage as practiced and believed in by the Latter-day Saints. They are therefore unconstitutional, and of course cannot command the respect that a constitutional law would. That is all I have to say, your honor.[26]

The judge seemed surprised and, leaning back in his chair, meditated for more than a minute before he replied. He denied that the Constitution protected the practice of polygamy and declared,

> While all men have a right to worship God according to the dictates of their own conscience, and to entertain any religious belief that their conscience and judgment might reasonably dictate, they have not the right to engage in a practice which the American people, through the laws of their country, declare to be unlawful and injurious to society.[27]

The judge would have been more lenient, he said, if Clawson had not openly declared that he believed it right to violate the law. The resulting sentence was three and a half years in prison and a $500 fine for polygamy, plus another six months and $300 for unlawful cohabitation.

So Rudger Clawson marched off to prison, one of many heroes among the Saints because, like Paul of old, he was incarcerated for conscience' sake. Three years later, in an effort to lessen the friction between the federal government and the Mormons, Grover Cleveland issued pardons to several polygamists in the penitentiary. Rudger Clawson, whose mother had gone to the nation's capital to plead in his behalf, was among them. He was released on December 12, 1887, having served just

[26] Ibid., 3:318; *Deseret News,* November 3, 1884.
[27] Ibid.

over three years. Within two weeks he was made president of the Box Elder Stake, and ten years later, at the age of forty-one, he was sustained as a member of the Council of the Twelve Apostles. In 1921 he was named president of the Council of the Twelve and remained in that position until his death in 1943. He had won the unending respect of his people.

Rudger Clawson became a prisoner for conscience' sake. USHS collection.

In contrast to Rudger Clawson, John Sharp was ill and aging when his case arose in 1885. He was nearly sixty-four, and his impressive life story made it impossible to predict that when confronted with a choice he would act differently from the hundreds of Saints who went to prison for conscience' sake. If most Mormon polygamists were dissenters from the law, Sharp became, in a mild but significant way, a dissenter from the dissenters.

Converted to Mormonism in Scotland in 1846, Sharp soon migrated to America with his wife and two sons. In 1850 he organized his own pioneer company and crossed the Great Plains to Utah. He began his career in Utah as a common laborer and later helped to quarry and haul rock for the Salt Lake Temple. In 1856 he became bishop of the Salt Lake City Twentieth Ward and served in that capacity for twenty-nine years. He was involved in public construction projects and was an officer in the territorial militia. When Johnston's Army approached Utah, Brigham Young placed Bishop Sharp in charge of church effects for the purpose of transporting them south for safety. He was a Salt Lake City councilman, a leader in the People's party, an organizer of the Deseret Telegraph Company and the Deseret Irrigation and Navigation Canal Company, and a director of the Bank of Deseret. He also served as an assistant to Daniel H. Wells, church superintendent of public works, a position to which he was sustained at a general conference of the church.[28]

[28] Journal History of the Church, December 31, 1850; November 3, 1856; April 20, April 25, October 25, 1857, Archives Division, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City, hereinafter cited as LDS Archives. The Journal History is

Through his many endeavors Bishop Sharp became one of Utah's most wealthy and influential men and was once dubbed the "railroad king of Utah." He was superintendent of the Utah Central Railroad and joined with Brigham Young in obtaining the contract for building the Union Pacific line through Weber Canyon. He personally supervised much of the work, including the blasting of tunnels. When it came time to effect a settlement for work on the railroad, Brigham Young sent Sharp to Boston to meet with the directors of the Union Pacific. By early September 1869 he had obtained an "amicable settlement." He became vice-president of the Utah Southern Railroad and in December 1874 was elected a director of the Union Pacific Railroad, a position he held until his death in 1891.[29]

Sharp's economic success and public service were admirably matched by his religious convictions and his willingness to proclaim them publicly. A frequent speaker in the School of the Prophets, at Sabbath day services in Salt Lake City, and in general conferences, he often bore his testimony in the same tones as the most humble Mormon elder. On April 6, 1871, for example, he addressed a general conference of the church, expressing deep gratitude for those who brought to him the Mormon plan of salvation. The gospel, he said, found him in a coal pit and brought him from darkness to light, and he took pleasure in bearing testimony that Joseph Smith was a prophet of God.[30]

It was not surprising that Bishop Sharp should have accepted the principle of plural marriage. He was married first in 1840, before he came in contact with Mormonism. By 1854, four years after his arrival in Utah, he had become convinced that plural marriage was a divine command, and he married a second wife. He took his third and last wife in 1861—a year before the Anti-Bigamy Act was passed. Just before the passage of the Edmunds Act in 1882 he was interviewed by a newsman in Chicago. Describing his marriage relationships he said,

> I pledge you my honor as a man that in each of the cases there was what we conceive to be, not only a proper regard and love, but absolutely harmonious assent, from all parties interested. These three wives are

replete with examples of Sharp's activities. See also *Deseret News,* April 8, 1865. Sharp's sermons sometimes demonstrated the same mixture of religious and practical concerns that characterized Brigham Young's. On February 19, 1865, for example, he preached on "temporal salvation" and advocated "among other important principles" the necessity of building canals for irrigation purposes, demonstrating the great benefits which would accrue to the Saints from a canal about to be constructed and advising all to take an active part. Journal History, February 19, 1865.

[29] *Deseret News,* June 3, September 5, December 15, 1868; September 3, 1869; June 6, 1871; December 9, 1874, as well as many other entries in this period; *Millennial Star* 31 (1869): 549, 647; *Salt Lake Herald,* December 10, 1874; Journal History, January 18, 1867; September 1, 1871.

[30] *Deseret News,* April 7, 1871.

> all living. They have borne me thirteen children. I have as happy a home as any man on earth.

Sharp told the reporter that it would be impossible to legislate polygamy out of existence, and as if to portend the coming struggle he declared,

> It may be possible through legislation and terrorism to level our churches, disband our homes, and disperse our people. But you may be certain that as long as life lasts no Mormon will put his wife away from him nor will he give up his religious convictions.[31]

In an earlier interview with a *New York World* reporter, Sharp had expressed dismay over what the government might do with cases of plural marriage, whether contracted before or after 1862. "Their abrogation," he said, "would be an obvious injustice and would result in misery untold." But the Mormons were not excited yet, for "they do not believe that the Government will do them so gross an injustice. They cannot believe it."[32] At that point it would probably have been even more difficult for John Sharp to believe that in a few short years he himself would make the agonizing decision to separate from his plural wives and conform to a law he believed would not be passed and could never be enforced. Nor could anyone foresee that Sharp would become the object of scorn among his own people for deciding to obey the constitutional law of the land.

The storm began quietly enough in April 1885 when the venerable bishop was indicted for unlawful cohabitation and bound over for trial. In July he was arraigned and pleaded not guilty. By September 18 something had changed his mind. It may have been ill health, for he had been failing recently and was reportedly suffering severely from what the *Tribune* called "cancer trouble." When he appeared in court that day his head was bandaged. Age combined with his business concerns may have been another factor, for he had reportedly once told a friend that "in consideration of his age, wealth, and ambitions, he could not afford nor stand to have them blighted or paralyzed by suffering a term of imprisonment. He therefore would use every honorable means to avoid the punishment." Sharp's long term of devoted church service, however, argues against the idea that he would take such a course merely for the sake of wealth. He may have been genuinely persuaded that the law would finally prevail and that the only sensible thing to do was to obey it. In an interview in Omaha several weeks later he explained:

[31] Interview reported in *Salt Lake Daily Herald,* March 26, 1882.
[32] As reported in the *Territorial Inquirer,* January 7, 1882.

> I acted according to the dictates of my conscience, and just as in all wisdom I should have acted .... I do not renounce my religion or any part thereof. I simply give up the practice of polygamy, because the United States law forbids my indulging in it any longer. As long as I am a citizen of the United States I do not see how I can do otherwise.

Or, perhaps, as the *Deseret News* seemed to believe, he was simply tricked by the court.[33]

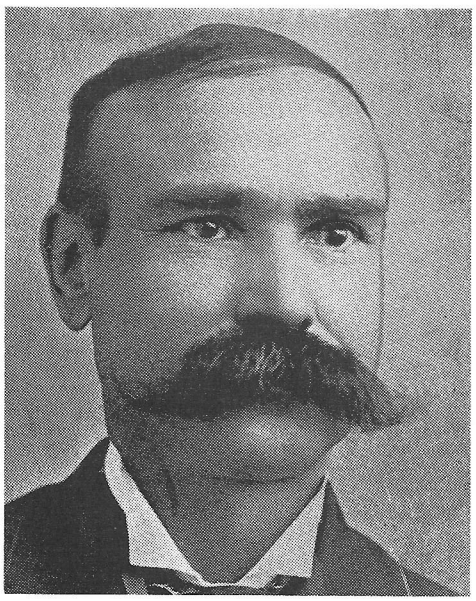
Whatever his reason, on September 18 Bishop Sharp and his attorney walked into Judge Zane's court and changed his plea to guilty. The ailing bishop's lawyer then read a short but important statement, prepared by Sharp himself, explaining his position: "I hold myself amenable to the laws of my country, and in whatever degree I may have infringed upon the provisions thereof, am ready to meet the penalty." He explained, in words as loyal to the principle of plural marriage as those of any other Mormon stalwart, that he had entered polygamy in good faith, believing it to be the law of God, and that the Edmunds Act was a harsh law. Nevertheless, he had arranged his family relations to conform with the requirements of the law (meaning that he had arranged for separate maintenance for his wives) and that he was now living in harmony with the provisions against cohabitation. "It is my intention to do so," he said, "until an overruling Providence shall decree greater religious toleration in the land." He was then questioned briefly by the judge and promised that henceforth he would obey the law of the land as interpreted by the courts.[34]

To Judge Zane this was one of the choice opportunities he had been waiting for. Several months earlier another prominent Mormon, Orson P. Arnold, had become the first to take the same step, and the judge had fined him $300 but had not imposed a prison sentence.[35] Others followed, and all were criticized by their brethren. Bishop Sharp, however, was the most prominent of them all, and his example, Zane reasoned, would help to persuade others to do the same. It "will have a more beneficial effect on society than any imprisonment would have," he said and imposed a $300 fine but no prison sentence.

The Saints in Salt Lake City were, for the most part, shocked and dismayed at the action of Bishop Sharp and, like a sudden thunderstorm, their words of disapproval descended upon him in torrents. Sharp visited the office of the *Deseret News* to ask for a merciful tone in the report of

[33] *Deseret News,* April 14, July 20, 1885; *Salt Lake Tribune,* September 19, November 7, 1885; *Deseret News,* September 21, 1885.

[34] *Deseret News,* September 19, 1885; *Salt Lake Tribune,* September 19, 1885.



John Nicholson, acting editor of the Deseret News, *criticized John Sharp and followed Clawson to prison. USHS collections.*

his case, but his own ward member, John Nicholson, acting editor who would soon go to prison himself for polygamy, considered him a mere compromiser trying to maintain his influence among railroad men.[36] The first editorial on the subject declared that Sharp had missed the "one opportunity of his life" to sustain a principle he believed to be divine, criticized him severely for agreeing to obey the law according to the interpretation of the court, and held that in spite of his precarious health and the fact that "incarceration in prison might have proved disastrous, if not fatal, to him," he was totally wrong to acquiesce.

> No matter how dark the clouds that are now apparently frowning upon the people of God, the good ship Zion will weather the storm. It may rage for a season, after which the turbulent waters will subside. Meanwhile there must be, of what God has given to the Saints, no surrender.[37]

This was only the beginning. Brigham Young, Jr., reflecting the sentiment of many churchmen, recorded in his diary: "To my understanding he rejected in total the doctrine of celestial marriage."[38] The *Ogden Daily Herald* declared that Sharp had lost the grand opportunity of his lifetime.[39] Heber J. Grant refused to comment on Sharp's action publicly, but he wrote to Joseph F. Smith, "Regarding Bishop Sharp and others I must say that I cannot find words to express my regrets at their action."[40] Smith, in turn, wrote to George Q. Cannon from Hawaii,

> I am truly sorry for br. John Sharp . . . . I can see no way for him but repentance, and a full acknowledgement of his error and a full return

[35] Whitney, *History of Utah,* 3:357–59.

[36] As reported by George Cannon Lambert, "Journal of George Cannon Lambert," in Kate B. Carter, ed., *Heart Throbs of the West,* 12 vols. (Salt Lake City: Daughters of Utah Pioneers, 1939–51), 9:364.

[37] *Deseret News,* September 19, 1885.

[38] Brigham Young, Jr., Journal, September 19, 1885, LDS Archives.

[39] September, 21, 1885.

[40] *Salt Lake Tribune,* September 19, 1885; Grant to Smith, November 6, 1885, Heber J. Grant Letterbooks, LDS Archives.

> to the responsibilities devolved upon him by reason of the covenants he has made. This would no doubt be hard to do, perhaps impossible for him now, but it would be to me a thousand times preferable to the "humble pie" upon which he now feeds . . . . Truly the material of which martyrs were made in olden times has become very scarce in these latter days in the civilized world.[41]

By September 1885, then, the conflict over civil disobedience in Utah had brought forth a full cast of strong characters: Judge Zane who believed in and was zealously trying to enforce the law, Rudger Clawson and most church leaders who openly advocated civil disobedience for conscience' sake, and John Sharp who despised the law as much as did his brethren but considered it the better part of valor to acquiesce and obey it. The man sworn to enforce the law, the dissenters from the law, and the dissenter from the dissenters were all men of honor and integrity, yet their respective positions were seemingly irreconcilable.

In dissenting from the dissenters, Sharp found his church position affected. Presiding Bishop William B. Preston, one of the few church leaders who openly defended Sharp's right to do what he did, thought his action would have no effect. "The duties of a bishop in our church in the abstract," he explained to a *Tribune* reporter, "pertain entirely to temporal affairs and have nothing to do with the teaching of doctrines. That being the case, I do not see why he cannot consistently continue to hold this office."[42] Sharp's own stake leaders felt otherwise.

His immediate superior, Salt Lake Stake President Angus M. Cannon, was even then serving time in the penitentiary for the very offense for which Sharp escaped imprisonment. Cannon had sought to conform to the spirit of the law, as he understood it, by providing separate apartments for his plural wives and by not actually living with them in a connubial sense. He visited them in the daytime, sometimes ate meals with them, but scrupulously refrained from normal husband-wife relationships. This, he believed, would save him from being convicted of unlawful cohabitation. Judge Zane thought differently, and Cannon was convicted and sentenced on May 9, 1885, to the usual six months in prison and $300 fine. Cannon appealed to the United States Supreme Court on the grounds that unlawful cohabitation had been wrongly defined by Judge Zane, but the Supreme Court upheld the Utah judge. Cannon was released from prison on December 14, 1885, and immediately went into hiding to avoid a threatened rearrest on similar charges.[43]

[41] Smith to Cannon, November 12, 1885, Joseph F. Smith Letterbooks, LDS Archives.

[42] *Salt Lake Tribune,* September 19, 1885.

[43] See the discussion of this case in Whitney, *History of Utah,* 3:334–39, 357–58, 363–72,

Sharp's stake leaders could hardly be expected to show much leniency under the circumstances. Indeed, they were still preaching that plural marriage was essential to salvation and were intensely critical of those who would bend in the least degree. In May, before he went to prison, Angus Cannon had stated in a stake conference that "when a man professing to be a Latter-day Saint will cower before our enemies and beg for mercy, forgetting or renouncing the promises of God, he considered him a contemptible hypocrite." In a stake priesthood meeting in October a speaker declared from the pulpit that no faithful man would submit even though prison stared him in the face and that any priesthood holder who failed to sustain the law of God (that is, polygamy) forfeited his right to rule in the midst of his people.[44]

Five days after his court appearance, Bishop Sharp was called in by Joseph E. Taylor, acting president of the Salt Lake Stake. The bishop,

388–89, 392–94. See the Supreme Court decision in 116 U.S. 55. Cannon actually spent an extra two months, voluntarily, in prison in order to have his appeal tested in the Supreme Court.

[44] Salt Lake Stake, "Historical Record, 1880–1890," May 1, 1885, pp. 422–33; October 3, 1885, p. 457, LDS Archives. It was even being preached in the stake that people must be firm believers in plural marriage before they could obtain recommends to participate in the Mormon temple ceremonies. In one instance a man went to the Logan Temple wanting to have a dead woman sealed to him. He was denied the privilege because he had only one wife even though he had had ample opportunity to obtain another. A bishop from the Salt Lake Stake who was a polygamist was allowed to have the dead woman sealed to him. Ibid., pp. 470–71.

In front of the John Sharp home at 439 East South Temple are a man who appears to be Sharp and four women. USHS collections, courtesy LDS church.

along with his son James, talked with Taylor for nearly two hours. Earlier, Taylor had requested in writing that Sharp cease functioning as a bishop until the matter was settled, and in this interview he asked Sharp to resign. Sharp refused, and that night Taylor reported at length to the high council, suggesting that Sharp be called in to justify himself. The council agreed.[45] On September 29 the council again discussed Bishop Sharp's intransigence; although a variety of feelings were expressed only one man actually defended Sharp's position. John H. Rumel did not believe it right to teach people to disobey the law of the land; if the Mormons were better than the Gentiles they ought to observe the law more strictly. "There is a question in my mind," he said, "whether I want to be an accessory to urge people to break the law however unconstitutional it might be."[46] The council voted to summon Bishop Sharp on the evening of October. 1.

It was a long night. Taylor reviewed in detail his conversation with John and James Sharp on September 23. Bishop Sharp then spoke from what must have been a deeply emotional and difficult position for him, attempting to counteract the barrage of accusations directed toward him. His intentions had been publicly misjudged, and one can imagine his anguish as he tried to set the record straight and bear his testimony to those who were his spiritual judges. His son James must have suffered, too, as he watched and listened to his father, whose head was bandaged and who was suffering severe physical as well as emotional pain. It was Bishop Sharp's message that he still had faith in his religion and that nothing—not even the criticism of his close associates—could take that away.

> I would like to know what I have renounced before that Court. I do not think I have renounced anything in my religion; not any whatever; not one principle of the Gospel. I have not renounced my belief and faith, nor family; neither the divinity of the revelations of God as given to his people on earth through the Prophet Joseph Smith; I have not renounced any of my wives, nor my children; I have held on to everything....
>
> I am passing between the up and nether mill-stone, but I can't be thrashed into apostacy. I am going through the mill and getting pretty well ground up. There may not be much left of me but what there is will to real good stuff.

Sharp had his son read the account of what happened in the courtroom, then continued with his own defense. "It may be that I will be

[45] Salt Lake Stake High Council Minutes, 1882–1887, September 23, and October 1, 1885, pp. 652, 657–65, LDS Archives.

[46] Ibid., September 29, 1885, pp. 656–57.

ground close in the house of my friends," he said. "That is something more than the trial of the Court to me, but I have felt to take the advice of the Divine Master which is not to revile back again. The trip hammer will not hurt me brethren."[47]

Hiram B. Clawson joined his son Rudger in prison. USHS collections.

The council's discussion then turned to whether John Sharp should resign as bishop. Sharp saw no reason to resign, for in his mind he had done nothing to deny the faith. Taylor, on the other hand, contrasted Sharp's action with that of Bishop Hiram B. Clawson who had refused to do as Sharp had done, that it, "promise to live within the law as construed by the courts." As a result, Clawson and his wives and family had been insulted in open court. Furthermore, Taylor reminded the council, "The President of this Stake, Bro. Angus M. Cannon, is now suffering imprisonment for doing exactly the opposite to that which the Bishop has done." In Taylor's view, once Sharp had given his pledge to counsel others to obey the law he could not properly serve in the capacity of a bishop, for he must counsel people against what the church considered right. Finally, Taylor argued that since marriage was for the purpose of procreation, Sharp may have been justified in foregoing marital relations since his wives were past childbearing but that men with wives who could still bear children would be violating a sacred obligation if they did likewise. Furthermore, Taylor wondered if a man with physical vitality did not have an obligation "to take another wife, and thus continue this labor." "That is between me and my God," Sharp replied, whereupon Taylor reminded him of a revelation recently received by John Taylor that included the words, "For it is not meet that men who will not abide my law shall preside over My priesthood." Although this revelation was concerned particularly with the organization of the priesthood and not with polygamy, Joseph Taylor used the statement to good advantage.[48] He then announced that John Sharp had rendered

[47] Ibid., October 1, 1885, pp. 658–59.

[48] This "revelation," not officially presented as such to the body of the church, was received by John Taylor on October 18, 1882, and is recorded in the L. John Nuttall papers, Lee

himself ineligible to retain his office as bishop of the Twentieth Ward. A vote was taken, and ten members of the council voted to sustain the decision while three, John Rumel, Hosea Stout, and John T. Caine, abstained. Sharp asked to have the matter referred to the First Presidency—which the council agreed to do—and assured them that by his means, faith, and prayers he would sustain any man who took his place.

A transcript of John Sharp's hearing was sent to the First Presidency, and on October 17 George Q. Cannon replied.[49] Two months prior to his court appearance Sharp had submitted a statement to Cannon. The ideas in that statement and the one given to the public at the time of the trial, Sharp had told the council, agreed. When Cannon read Sharp's assertion in the minutes of the high council he was disturbed, for the two statements differed so much that if the one presented to him had been read in court Cannon would have seen no reason for Sharp to resign his bishopric. "I would like to make it [the statement submitted by Cannon] a part of your Minutes," Cannon wrote. "Then if in years to come your Minutes should be referred to for historical purposes, no further explanation will be needed."[50] On reading this the historian cannot help but get the awesome feeling that Cannon was speaking to him, knowing that the whole affair would come up for scrutiny in the future and wanting to make certain that his own side would be presented fairly. Seldom do historians get such firm instruction from the past.

The two statements contained much similar wording—recognition that Sharp had more than one wife and criticism of the law that interfered with freedom of religious practice. However, several differences seemed especially significant to the bishop's superiors in that they demonstrated that Sharp no longer accepted the church leaders' interpretation of constitutional law. In the first statement Sharp declared that in embracing plural marriage he did not intentionally place himself in conflict with the laws of his adopted country. "I believed most unfeignedly that I was experiencing the constitutional liberty of worshipping my creator according to the dictates of my own conscience and the word of God; that I was living *above* and not in violation of the law of the land." The idea that by living *above* the law one was not really in violation of it was consistent with the statements John Taylor and others had been

Library, Brigham Young University, Provo. It is in Nuttall's handwriting in a folder marked "Doctrine."

[49] Only two members of the First Presidency, John Taylor and George Q. Cannon, were available. Joseph F. Smith was in Hawaii.

[50] Salt Lake Stake High Council Minutes, 1882–1887, October 20, 1885, pp. 686–87. Sharp's original statement is designated "A Position Defined."

uttering for years. That idea did not appear in the public statement issued two months later. In the original statement, Sharp commented on his efforts to abide by the law, unjust though it may have been, but in words much less committed to support of the law than those he wrote later. The first statement read:

> I have ever since adverse legislation to my social and religious liberties became law endeavored to place myself in obedient relation to that law, so far as it was possible for me to do, and not dishonor and debase my manhood by discarding my wives and my children . . . . This I cannot do. And if the extent to which I am able to obey the law will not satisfy its demands, I must submit to the imposition of its penalties until an over ruling providence will have ordained and established greater religious toleration.

The second statement expressed equal resentment against the law but added this significant qualification:

> But I have so arranged my family relations as to conform to the requirements of the law, and I am now living in harmony with its provisions in relation to cohabitation, as construed by this court and the Supreme Court of the Territory, and *it is my intention to do so in the future* until an overruling Providence shall decree greater religious toleration in the land.[51]

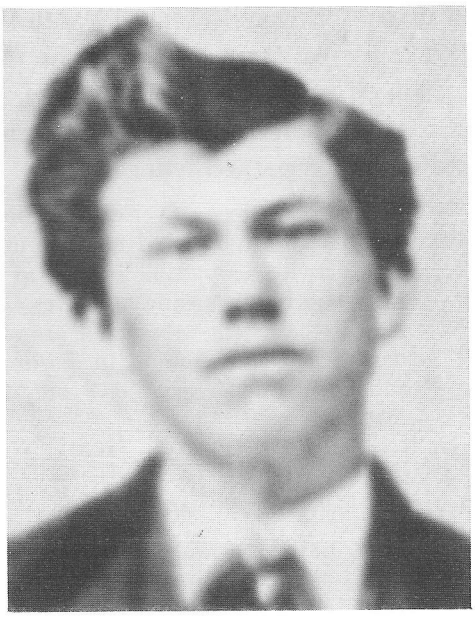
It was this intent to conform to the law in the future, as well as his promise to advise others to do the same, that made John Sharp a dissenter and, for the time being at least, almost an exile in his own society.

L. John Nuttall, secretary to the First Presidency, wrote to his son from the underground that when Sharp was "induced" to do as he did, it was thought that "the whole people" would follow his example. But, he assured his son, "those who have taken pains to escape punishment have lost the confidence of their brethren and sisters and are miserable in their feelings. Their sufferings are incomparably worse than the sufferings of those who have gone to the Penitentiary."[52] How much anguish Sharp suffered is not known, but in an interview with an Omaha newsman early in November he reported that his actions had gained for him the enmity of the elders of the church and of lifelong friends. "I am now comparatively ostracized," he said. On November 3, 1885, the First Presidency offically sustained the action of the Salt Lake Stake in requiring John Sharp to resign as bishop.[53]

[51] Italics added.

[52] L. John Nuttall to Leonard J. Nuttall, October 26, 1885, L. John Nuttall Letterbooks, Lee Library.

[53] *Salt Lake Tribune,* November 7, 1885; Salt Lake Stake High Council Minutes, 1882–1887, November 10, 1885, p. 709.



Truman O. Angell, Jr. followed John Sharp's example. Later, he left the LDS church. USHS collections.

Though Sharp was the most well known, others followed his example and received similar treatment. The first was Orson P. Arnold. Later, however, he broke his promise to obey the law by visiting his plural wife, and on October 21, 1885, he was fined $450 and sentenced to fifteen months in prison. Thus, said Orson F. Whitney, he "redeemed himself in the eyes of his people."[54] John Daynes followed Sharp's course exactly, and for that was called by the *Deseret News* an "abject spectacle of recantation" and guilty of "moral cowardice." "One can only turn from such scene," the *News* reported, "with unutterable loathing and disgust."[55] Septimus W. Sears, a member of Bishop Sharp's ward, followed Sharp's example on September 29 and at the same time resigned his position as assistant superintendent of church-owned ZCMI, choosing, the church paper said, "Liberty and Dishonor."[56] John H. Rumel, the only member of the Salt Lake Stake High Council to express support for Sharp, took the same course on November 30.[57] Truman O. Angell, Jr., assistant church architect, made the same decision on the same day as Septimus Sears. The *News* contrasted Angell with Hiram B. Clawson, who had gone to prison that day:

> It is with sadness that one turns from the nobel and manly picture presented by the conduct of Brother Clawson to its reverse, as exhibited in the craven course of T. O. Angell, Jr. It is a transformation from sunshine to gloom, from the heroic to the contemptible. Had the gentleman climbed to any height in the walks of religion and other departments of life, he might have been designated as a fallen angel. As it is he probably but carries out the highest idea he has of greatness, and may not be open to censure as severe as would be the just due of minds of greater advance-

[54] Whitney, *History of Utah,* 3:358–59, 518.
[55] *Deseret News,* October 1, 1885.
[56] *Salt Lake Herald,* October 1, 1885; *Deseret News,* September 29, 1885.
[57] *Deseret News,* November 30, 1886.

> ment. It does not appear that Mr. Angell can possess anything like a correct conception of the grandeur of being consistent. Let him pass.[58]

With several of its own editors in prison or about to go there, the *News* became adept at literary lashing of those who, it believed, were undermining a sacred cause. But in Angell's case even the president of the church felt compelled to issue a rebuke. He wrote:

> This is not the time for Latter-day Saints to speak in uncertain tones, nor appear to be yielding to the demands of the wicked. If men have faith in the principles of the Gospel and are determined to maintain them, they have an excellent opportunity when brought before courts and in the presence of their persecutors to exhibit it. It must be said concerning yourself that you failed to do this. Your language and conduct had the appearance of surrendering a principle of the Gospel and repudiating a portion of your family.[59]

Angell was dropped from the list of church architects and within four years had left the church.[60] In 1885 Claudius V. Spencer abandoned polygamy and was dropped as a home missionary in Salt Lake Stake.[61]

The sequel to the ostracism of Bishop Sharp may seem surprising, but in view of his earlier closeness to church leaders and his lack of public indignation at his release as bishop it might also be expected. Although he never went back on his decision, in a short time he seemed to return to the good graces of almost everyone. In February 1886 when George Q. Cannon was arrested in Nevada he was returned to Utah in John Sharp's personal railroad car, which had been especially sent for him. When Judge Zane set Cannon's bail at $25,000 it was John Sharp, along with Feramorz Little, who posted the necessary bonds. Cannon, under the advice of John Taylor, decided that it was not yet time for him to go to prison, and John Sharp lost his money.[62] Sharp was on amicable terms with John Taylor, too, for he sent him free railroad passes while he was on the underground and even received a friendly letter from the church president asking for passes for other men who were performing important church duties.[63] In January 1888 Wilford Woodruff, who had become the leader of the church, wrote to John Sharp who was in the eastern states, asking him to use influence to obtain fair treatment

[58] *Deseret News,* September 29, 1885.

[59] Taylor to Angell, October 16, 1885, First Presidency Letterbooks, LDS Archives.

[60] Salt Lake Stake, "Historical Record, 1880–1890," p. 462; *Deseret News,* November 2, 1889.

[61] Salt Lake Stake, "Historical Record, 1880–1890," May 3, 1885, p. 429; *Deseret News,* May 13, 1885; *Salt Lake Democrat,* May 4, 1885.

[62] Larson, *Americanization of Utah,* pp. 149, 150–51. Later, Cannon succeeded in getting the forfeited bonds returned.

[63] Taylor and Cannon to Sharp, December 30, 1886; Taylor to Sharp, January 13, 1887, First Presidency Letterbooks.

for the Saints in the national press.[64] Ironically, to the degree that Sharp succeeded in creating friendly feeling for the Saints, he helped pave the way for the Manifesto announcing discontinuance of plural marriage.

After the first few months of Sharp's so-called surrender nothing in the record suggests that he was any longer out of favor with church leaders or that he was being punished. On May 15, 1888, he accompanied several general authorities to the dedication of the Manti Temple. When he died on December 23, 1891, he was praised by Saint and Gentile alike; over two thousand people filed past his coffin as he lay in state in his home. Strangely symbolic of the new rapport between the various elements in Utah that Sharp's action had foreshadowed and the Manifesto of 1890 had brought about was the list of people who attended the funeral. They included prominent churchmen such as George Q. Cannon, Angus Cannon, and William B. Preston; business men such as S. W. Eccles and the directors of the Deseret Bank and of ZCMI; and the judge who precipitated events, Charles S. Zane.[65]

The problem of civil disobedience in nineteenth-century Utah clearly involved public ethics. This study has not attempted to define any position on the law as right or wrong in absolute moral terms. Rather, it has tried to suggest that public morality is as much a matter of conscience as it is of conformity to any particular viewpoint. In the heat of battle each side aligns its forces and fights for what it considers right with every means at its disposal—political, religious, or verbal—and in the process bitter judgments are made and unhappy consequences inevitably result. The historian comes away from such conflicts with at least some degree of respect for every side and with little disposition to judge any in terms of absolutes. Certainly John Taylor, George Q. Cannon, and Rudger Clawson must be respected and are worthy of being revered by church members for their dissent and civil disobedience under a law that to them was reprehensible and evil. Even though Judge Charles S. Zane made some unfortunate judicial errors, he, too, can hardly be faulted on moral grounds for his efforts to quell dissent and to require conformity to the constitutional law of the land. And who can fault John Sharp, a dissenter from the dissenters, for following his conscience down the middle road by upholding with his testimony the law of God but conforming his actions to the law of man which his citizenship compelled him to obey?

[64] Woodruff to Sharp and LeGrand Young, January 17, 1888, Wilford Woodruff Letterbooks, LDS Archives.

[65] *Salt Lake Tribune,* December 28, 1891. See also, *Salt Lake Tribune,* December 24, 1891; *Deseret News,* December 23, 1891.