

Chapter 20

The Apostles at Nauvoo Purposefully Obstructed Joseph's Defense during "Damages" Trial

At the May 8, 1844, Higbee "Damages" trial, Joseph Smith demanded a hearing even though his accuser, Francis M. Higbee, failed to show up for the trial. Joseph took an oath to tell the truth and began to relate facts concerning Higbee and Dr. John C. Bennett and others who had been engaged in practicing polygamy. Joseph's testimony (previously quoted in chapters 17–19) is vital to understanding his innocence. It is also vital to understand the depths to which those who conspired against him had stooped to convince the public that Joseph had plural wives.

As shown in chapter 18, Brigham Young, John Taylor, and their polygamous fellow apostles edited out much of Joseph's testimony from the Church's newspaper on May 8 and printed only what they wanted to be printed, as the following confirms:

JOSEPH SMITH sworn—Said, I must commence when Franc[i]s [sic] M. Higbee was foaming against me, and the Municipal Court, in my house.—Francis M. Higbee said he was grieved at me, and I was grieved at him. I was willing on my part to settle all difficulties, and he promised if I would go before the City Council and tell them he would drop every thing against me forever. I have never mentioned the name of Francis M. Higbee disrespectfully from that time to this; but have been entirely silent about him; if any one has said that I have spoken disrespectfully since then, they have lied; and he cannot have any cause whatever. I want to testify to this court of what occurred a long time before John C. Bennet [sic] left this city. I was called on to visit Francis M.

Higbee; I went and found him on a bed on the floor. (*Times and Seasons* 5 [May 15, 1844]: 538)

In printing Joseph's above testimony, Taylor ended it after Joseph had uttered only one sentence about Higbee's condition: "I was called on to visit Francis M. Higbee; I went and found him on a bed on the floor." At that point Taylor took great liberty with Joseph's testimony. He reported nothing that Joseph saw or heard on that visit. Taylor did not print the evidence that Joseph indicated in his opening defense statement that he wished to give. Just when Joseph was revealing the very foundation upon which his defense was based, Taylor (probably in collusion with the other polygamous apostles) stopped reporting Joseph's testimony. Joseph wanted "to testify to this court of what occurred a long time before John C. Bennett left this city." The court allowed him to testify (or perhaps could not stop him from doing so), but Taylor and the apostles, who owned the *Times and Seasons*, failed to report all of that testimony.

The authors believe that the apostles wished to keep Joseph's evidences out of print because he spoke against polygamy, and they were secretly practicing that doctrine. They no doubt were afraid that his words would incriminate and expose *them*!

As previously stated, Apostle Taylor inserted the following explanation for not printing the details of Joseph's testimony about his visit to the sick Higbee:

[Here follows testimony which is too indelicate for the public eye or ear; and we would here remark, that so revolting, corrupt, and disgusting has been the conduct of most of this clique, that we feel to dread having any thing to do with the publication of their trials; we will not however offend the public eye or ear with a repetition of the foulness of their crimes any more.] (ibid., 538–539)

It is doubtful that Church members and the general public would have been offended by reading the remainder of Joseph's testimony. After all, in the last two years, they had been subjected to the scandalous writings of Bennett, Higbee, and others writing

their alleged exposés against Church members. In addition, the court proceedings were open to the public, and many would have heard Joseph's full testimony or could have read it in the court records at the time.

After Taylor's insertion quoted above, he added more excerpts from Joseph's testimony. However, because of the apostles' omission of part of Joseph's testimony as indicated above, his remaining testimony is not easily understood. The apostles reported the second part of Joseph's testimony without including names or explaining reasons for the actions related to those names.

[Joseph testified] Bennet said Higbee pointed out the spot where he [Higbee] had seduced a girl, and that he [Higbee] had seduced another. I did not believe it, I felt hurt, and labored with Higbee about it; he swore with uplifted hands, that he had lied about the matter. I went and told the girl's parents [Sidney and Phebe Rigdon], when Higbee and Bennet made affidavits and both perjured themselves, they swore false about me so as to blind the family. I brought Francis M. Higbee before Brigham Young, Hyrum Smith and others; Bennet was present, when they both acknowledged that they had done these things, and asked us to forgive them. I got vexed, my feelings had been hurt; Higbee has been guilty of adulterous communication, perjury, &c.; which I am able to prove by men who heard them confess it. I also preferred charges against Bennet, the same charges which I am now telling; and he got up and told them it was the truth, when he pleaded for his life, and begged to be forgiven; this was his own statement before sixty or seventy men; he said the charges were true against him and Higbee. I have been endeavoring to throw out shafts to defend myself, because they were corrupt, and I knew they were determined to ruin me; he [Higbee] has told the public that he was determined to prosecute me, because I slandered him, although I tell nothing but the truth. Since the settlement of our difficulties, I have not mentioned his name disrespectfully; he wants to bind up my hands in the circuit court, and make me pay heavy damages for telling the truth. In relation to

the conspiracy, I have not heard Francis M. Higbee say he would take away my life; but Chauncy [sic] Higbee, Charles A. Foster and Dr. [Robert] Foster said they would shoot me; and the only offence against me is telling the truth. . . . I know that they are wicked, malicious, adulterous, bad characters [sic]; I say it under oath; I can tell all the particulars from first to last. (ibid., 539)

Because of the omission by the apostles of part of Joseph's testimony, as well as their lack of explanation regarding his subsequent testimony, it would have been very difficult for the readers to discern Joseph's adamant stand against polygamy and his innocence in having not been the author of the "Happiness" letter to Nancy Rigdon. The authors believe this is the very reason that the apostles printed Joseph's testimony as they did.

In explanation of the second part of Joseph's testimony, the unnamed parents whom Joseph testified he visited were Elder and Mrs. Sidney Rigdon, parents of Nancy Rigdon, whom Higbee had been courting. Joseph reported to them the evil conduct of Bennett and Higbee, after which Miss Rigdon quit seeing Francis Higbee. This greatly angered Higbee and Bennett. The two of them soon made affidavits in which they perjured themselves by swearing falsely against Joseph. These facts were known by all of the apostles at Nauvoo. (See *Joseph Smith Fought Polygamy* 1:115–128 and 2:21–40 for a complete discussion of this issue.)

The six apostles who were present at the court hearing were Brigham Young, John Taylor, Willard Richards, George A. Smith, Wilford Woodruff, and Heber C. Kimball. They controlled the Church's press and the Church's official publications—the *Times and Seasons*, as well as the *Nauvoo Neighbor*, which was filled with local and Church news. By omitting part of Joseph's testimony, the authors believe that the apostles seriously diminished Joseph's stand against polygamy in Nauvoo. By circulating his affidavits,¹

1. The contents of Higbee's affidavits are unknown today. However, his "Communication" article, which will be discussed later in this chapter, more than likely reflects the content of his affidavits accusing Joseph of trying to seduce Nancy Rigdon. In addition, the article is probably the testimony he would have given had he appeared at his "Damages" suit against Joseph.

Higbee promoted the lie that Joseph had insulted Nancy Rigdon by attempting to make her his plural wife. The apostles made no attempt to clear Joseph's name in the court testimony they reported.

Joseph was at a terrible disadvantage. Although he fought a valiant battle in the last few weeks of his life, he was never afforded another opportunity to "tell the story in its true light." In failing to report the entire story told by Joseph before the court, the apostles robbed him of exoneration and the members of the Church of the truth about the apostles' polygamous activities. While Joseph was falsely accused of having a plurality of wives and attempting to seduce Sarah Pratt and Nancy Rigdon, the apostles downplayed the conspiracy against Joseph and made no effort to defend him of the charges.

It is not likely that Editor John Taylor acted alone in selecting what part of Joseph's testimony to report in the *Times and Seasons*. As stated earlier, the six apostles were present at the hearing. No doubt Taylor worked in conjunction with them—including Brigham Young, who was President of the Quorum of Twelve Apostles. Apostle Willard Richards was the recorder for the Nauvoo Municipal Court on May 8, 1844, and his name is on the record of the case of *Francis M. Higbee v. Joseph Smith*. The report of the court hearing published in the *Times and Seasons* was signed by "WILLARD RICHARDS, Clerk" (ibid., 541). Richards may have even been the one who furnished Editor Taylor with a copy of the record of that court case.

Did Taylor really exclude Joseph's revelation of facts to not "offend the public eye or ear with a repetition of the foulness of their crimes any more"? Or did Taylor use that excuse to delete facts that could have preserved Joseph's life but condemned the apostles?

The facts that Joseph revealed were not only necessary to his defense, but were also necessary to help save his life. As long as Joseph could not publish his entire defense, the conspirators were free to relentlessly prosecute him without fear of reprisal.

How unfortunate that the apostles withheld details of Joseph's visit with Higbee and Dr. Bennett! There are many questions that could be asked: Why were names and facts from Joseph's testimony against Higbee and Bennett deleted at a time when Higbee was

suing Joseph, calling him a liar and a polygamist, and threatening to kill him? Why did the apostles who were in control of the Church interfere with Joseph telling the truth about Francis Higbee and those conspiring with him?

The conspirators must have been overjoyed to read Taylor's assertion that "we feel to dread having any thing to do with the publication of their trials; we will not however offend the public eye or ear with a repetition of the foulness of their crimes any more." In other words, Taylor would not print all of Joseph's testimony, which Joseph felt was necessary for his defense. However, Higbee and others could, without restraint, falsely accuse Joseph and threaten to kill him and his entire family, without their words being printed in the newspaper and without being brought to justice. As Taylor had assured them in print, he would not publish a repeat of "the foulness of their crimes any more."

No matter how "revolting, corrupt, and disgusting" the facts that Joseph revealed might have been, those disgusting facts would have strengthened his defense. The apostles should have honored Joseph's urgent need and published his entire testimony. Joseph had assured them that his testimony was pertinent to his defense. The apostles should have done everything in their power to tell his entire story. The authors believe that the apostles did not *want* the true story told because it would have given evidence that Joseph did *not* ask Nancy Rigdon to be his plural wife. The apostles needed Bennett's and Higbee's false statements against Joseph to further their own polygamous interests.

The apostles were aware that William Law, Wilson Law, Francis and Chauncey L. Higbee, Charles A. and Robert Foster, and others had purchased a press on which to publish, among many other false charges, accusations that Joseph had given a plural marriage revelation. Having a knowledge of such growing evidence against the enemies of Joseph and the Church, why did the apostles worry about offending "the public eye or ear" when reporting the crimes of the conspirators? The apostles knew that the conspirators were planning to publish their paper, the *Nauvoo Expositor*, for the purpose of destroying Joseph's character and his life.

If Apostle Taylor had published Joseph's full testimony, it

might have stemmed the tide and counteracted the false affidavits the *Nauvoo Expositor* was getting ready to publish. Nevertheless, he chose not to publish the facts that would assist and exonerate Joseph, because he knew that Joseph was planning to expose him and the other polygamous apostles. He decided not to defend Joseph, but to help destroy him! Taylor and the other apostles needed to get rid of Joseph's opposition to polygamy. Only then could they smooth the waters and run the Church and the city as they pleased.

Apostle John Taylor's Editorial Misled Church Members by Minimizing the Conspiracy

In the same May 15, 1844, *Times and Seasons* in which the May 8 court case was reported, Editor John Taylor portrayed Nauvoo as a peaceful and flourishing city. As for those conspirators threatening to kill Joseph and the entire Smith family, Taylor published that there were only "one or two disaffected individuals." It is evident that he wanted to convince readers that all was well at Nauvoo. Instead of alerting the city to the dangers that Joseph, his family, and the Church faced, Taylor wrote:

We take pleasure in announcing to the saints abroad that Nauvoo continues to flourish, and the little one has become a thousand. Quite a number of splendid houses are being erected, and the Temple is rapidly progressing; insomuch that there is one universal expectation, that before next winter closes in upon us, the top-stone will have been raised, and the building inclosed.

The saints continue to flock together from all parts of this wide-spread continent, and from the islands of the sea. Three ships' company have arrived this spring from England, and are now rejoicing in the truths of the everlasting gospel. The prophet is in good health and spirits, and unwearied in his anxiety and labors to instruct the saints in the things of God and the mysteries of the kingdom of Jesus Christ. Indeed, we may truly say that those who come to scoff, remain to pray. Many have come here filled with prejudice and strange anticipations, but have been convinced that

report is false with her thousand tongues, and have almost invariably left a testimony behind them. Instead of finding Mr. [Joseph] Smith the cunning, crafty and illiterate character that he had been represented to be, they have found in him the gentleman and scholar; frank, open, generous, and brave. But it is his immediate connexions and associates alone, that can appreciate his virtues and his talents. While his face is set as a flint against iniquity from every quarter, while the cries of the oppressed ever reaches his heart, and his hand is ever ready to alleviate the sufferings of the needy.

A few artless villians [*sic*] can always be found who are watching for his [Joseph's] downfall or death, but the Lord has generally caused them to fall into their own pit, and no weapon formed against him has prospered. One or two disaffected individuals have made an attempt to spread dissension, but it is like a tale that is nearly told, and will soon be forgotten. It was first represented as a monster calculated to scatter desolation around, but we are credibly informed by a person who attended their first meeting that there was much difficulty in raising a committee of seven, for there was some objection to Father _____, but as none could be found to fill the vacuum, he constituted one of the seven *stars*!!

It will be unnecessary for us to say much about those *lumaneries* of the last days, as they *shine* forth in their true colors in our columns this week, in the trial of President Smith. But to say any thing by way of warning to the brethren abroad, would resemble the “ocean into tempest tossed to waft a feather or to drown a fly. . . .[”] (*Times and Seasons* 5 [May 15, 1844]: 535)

Why did Apostle Taylor publish such overly positive news that deemphasized the conspiracy against Joseph? Why did he delete all major sections of Joseph's testimony? Could it be that the apostles did not want those things to be known or be of concern to readers?

Apostle Taylor failed to send a “warning to the brethren

abroad” telling of the true happenings at Nauvoo. He knew that Joseph’s character was being defamed and that his life was threatened daily. A dark storm was quickly approaching the city. The conspirators were busily installing their press and printing office near the Temple. It was being set up in a building belonging to Dr. Robert D. Foster. The first issue of the *Nauvoo Expositor* would soon be published. Taylor and the polygamous apostles had to have been aware that the conspirators were going to accuse Joseph of polygamy (which suited the apostles’ plan to remove him). They were concerned, however, that such false allegations against Joseph might lead investigators to discover the real polygamists—themselves.

Joseph and the apostles had very different responses to the polygamy issue in Nauvoo. Joseph was eager and willing to face his accusers, disprove their charges, and assert his innocence. He was also willing to hold accountable those who were teaching and practicing polygamy. In contrast, the apostles who had plural wives hid their polygamous activities and avoided accountability for their actions.

Higbee Published an Article to Further Attack Joseph

Although Attorney Francis M. Higbee did not appear for the hearing of the May 8 “Damages” court case he had caused to be held, he wrote a slanderous article against Joseph entitled “Communication.” By this tactic, he avoided penalty for perjury, which he would have incurred if he had said the same untrue things under oath in court. In addition, he avoided cross-examination by Joseph. Higbee’s “Communication” was printed in the anti-Mormon paper, the *Warsaw Signal*. Higbee angrily responded to losing the May 8 court case against Joseph by writing:

Communication

A short dissertation upon the testimony of Joseph Smith, as sworn to before the Municipal Court, at Nauvoo, May 8th, 1844, in the case whereof Francis M. Higbee, was plaintiff, and Joseph Smith defendant.

The nature of the above case was as follows:—On the

1st day of May, 1844, I sued out a *capias*, from the Clerk of the Circuit Court, of the Fifth Judicial District of Illinois, against Joseph Smith, who, immediately on being arrested obtained a writ of *habeas corpus*, from the Municipal Court at Nauvoo, that he might under that garb or semblance of justice, extricate himself from the just demands of violated law, as has always been the case before when men have attempted to bring him to justice. On the return of said writ before the Municipal Court, Joseph Smith in justification of his own wickedness, corruption and infamy, swore first, as follows: "That I was grieved at him, and he was grieved at me;" but he does not tell the cause of my 'grief,' neither does he give the world to understand the cause of his. He, as well as I, recollects well, the cause which first induced me to question his pretensions to sincerity, and which gave rise as he says, to my 'grief:' which was the base attack he (Joseph Smith), made upon the virtue of Miss Nancy Rigdon, in 1842, to whom I was at that time paying my addresses. The attack was of so base, so loathesome, and so detestable a character, that I could not conceal my feelings from the base seducer, and I assailed Joseph Smith about the matter; in (as I think quite likely) rather a rough manner, for I felt much excited indeed; when he (Smith) assured me I must keep perfectly dark, and be quiet or he would serve a *quietus* upon me.—But I could not feel reconciled toward Joseph, and I made another assault upon him, in front of Mr. James Ivin's store, (or where he at that time kept,) and he upon that occasion told me he would blow my character to 'the four,' winds, if I did not be still, for God would deal with him, if I would be still and mind my own business, and that I was only exciting and agitating the attack, he made upon Nancy for the sake of insuring to myself an imperishable name, (or some words to that effect.)

The excitement upon my part was still on the increase, for as I reflected upon the matter, the more and more I became astonished; to think that Joseph Smith, a man professing to be a Messiah, sent by the God of Heaven to revolutionize and christianize this depraved and fallen gen-

eration, would have the presumption to attack the virtue of any female, with whom I was corresponding, and that under the cloak of Christianity, was more than I could or ever will bear from him or any other man made in the image of his God;—I care not what his pretensions of Christianity may be, or how many revelations he may call to his aid—he is a dark fiend from (the Tartarian regions, and hell stands wide to swallow him up; and I would here recommend that Joseph Smith should look well to the west; for the finger of the Lord hath written it upon the wall “MENE, TEKEL, UPHARSIN.”

Smith discovered my feelings and commenced raging against me, by assailing my character in every corner of the street and in any private circle, and he soon commenced his outrageous attacks upon my character from the public stand. I met Smith in the public street before Hiram Smith’s office, about that time (in ’42,) when he presented his hand for my acceptance, I carried mine behind me, and refused to accept his, when he stated that he was sorry the thing had assumed such an aspect, for he always loved me and did still, and I was a good boy, and every body knew it, and if every body did not know it, they were not as smart as he was. At this time he eulogized my moral worth to the skies, but could not come it, for I still persisted, and utterly refused to extend my hand to any one so base, so lost to every sense of honor and virtue.

The above is a brief statement of some things that passed between Joseph and myself, about the time he made the attack upon the virtue of Miss Nancy, sufficient however, to acquaint the public with the reasons for my feeling towards him, as he stated I did. As for himself he could not succeed in his unhallowed attempts, and that is what made him feel so bad, but all the *man* [Joseph] had to do, I suppose in mitigation of the crime, was to offer up the entrails of a lamb, if John T. Barnett would sell another [lamb], as he did when Mrs. Sarah Pratt refused his attempts.

Joseph Smith continues his statement before the Municipal Court, at great length with regard to myself,

during which statement he (Joseph) tells but one falsehood, and that includes all the man said from the time he arose to swear, until he closed his testimony—which was a lie of the basest kind, and constitutes him a *perjured villain*, and so he stands on the docket of that Court, and what is still more painful and desperate, is to know as I do verily know, that he stands before the Bar of Heaven and own that he has lied, and that too, for the sole purpose of destroying him [Francis M. Higbee], who has never harmed the hair of any man’s head, or injured any female under Heaven.

Yours Resp’t.

F. M. Higbee (*Warsaw Signal*, May 29, 1844)

Using the anti-Church *Warsaw Signal* newspaper, Higbee was able to quickly publish what he would have testified in the May 8 court case, including sordid inferences against Joseph and Nancy Rigdon. These falsehoods regarding Miss Rigdon had been previously published by Dr. John C. Bennett. All of these attacks had been proven false by Joseph Smith in court, as attested to by Elder Sidney Rigdon.

Higbee Used Bennett’s “Lamb” Allegation to Discredit Joseph

Note that Francis M. Higbee, in his above “Communication,” charged Joseph with having made an “attack upon the virtue of Miss Nancy [Rigdon].” In addition, Higbee made reference to Bennett’s 1842 allegation that Joseph tried to convince Sarah Pratt to become his plural wife, and when she refused, Joseph sacrificed a lamb to keep the “Destroying Angel” from harming him and others. As previously quoted, Higbee referenced Bennett’s 1842 allegation when he wrote:

**As for himself he [Joseph] could not succeed in his unhal-
lowed attempts [to gain Nancy as his wife], and that is what
made him feel so bad, but all the man [Joseph] had to do,
I suppose in mitigation of the crime, was to offer up the
entrails of a lamb, if John T. Barnett would sell another, as**

he [Joseph] did when Mrs. Sarah Pratt refused his attempts.
(*ibid.*)

Higbee continued telling outrageous allegations involving Nancy Rigdon. However, neither her father, Sidney, nor Nancy ever accused Joseph of impropriety. In addition, Sidney willingly defended Joseph in the May 8 court case.

Bennett's Original "Lamb" Allegation

Higbee's statement about Joseph sacrificing a lamb is a direct reference to Bennett's original "lamb" allegation. In 1842 Bennett published a book that included a fabricated tale of Joseph sacrificing a lamb to appease the heavens when he failed to seduce Sarah Pratt, a married woman. Bennett's wild tale appeared in his book and in newspapers across the nation. In addition, he discussed this tale in his paid speaking engagements in many cities of the East, including New York and Boston. In his book he wrote:

Joe [Smith] afterwards tried to convince Mrs. Pratt of the propriety of his spiritual wife doctrine, and she at last told him peremptorily, "Joseph, if you ever attempt any thing of the kind with me again, I will make a full disclosure to Mr. Pratt on his return home. Depend upon it, *I will certainly do it.*" Joe replied, "Sister Pratt, I hope you will not expose me, for if I suffer, all must suffer; so do not expose me. Will you promise me that you will not do it?" "If" said she, "you will never insult me again, I will not expose you, unless strong circumstances should require it." "If you should tell," said he, "I will ruin your reputation; *remember that*; and as you have repulsed me, it becomes sin, unless *sacrifice* is offered." He then desired that a lamb should be procured and slain, and the door-posts and the gate sprinkled with its blood, and the kidneys and entrails taken and offered upon an altar of twelve stones that had not been touched with a hammer, as a burnt sin-offering, for the purpose of saving him and his priesthood. His desire was complied with, and the lamb procured from Captain Barnett, and slain by Lieutenant Stephen H. Goddard; and the kidneys and entrails were

offered in sacrifice, as Joe desired; and he observed, “All is now safe; the Destroying Angel will pass over without harming any of us.” (John C. Bennett, *The History of the Saints; or, An Exposé of Joe Smith and Mormonism*, 230–231)

By comparing the “lamb” reference in both Higbee’s and Bennett’s writings, it is easy to understand that they were in collusion regarding this part of their story, if not their entire writings. Of course, their writings have been proven to be false by the authors.

Summary

The majority of the apostles at Nauvoo failed to support Joseph when he faced the crisis of Higbee’s “Damages” court case on May 8, 1844:

- They failed to help him prepare for the court case.
- They withheld important portions of Joseph’s testimony when they published an account of the case in the Church’s *Times and Seasons*.
- Apostle Taylor’s side-editorial in *Times and Seasons* gave the false impression that all was well in Nauvoo and with Joseph. Instead, he should have reported the truth that Joseph, his family and the Church were in danger.
- They failed to rally Church members to support Joseph and his family.
- They failed to support Joseph’s claims of innocence and to his declaration that polygamy was not of God.
- They failed to counter Higbee’s continued assaults printed in an opposition newspaper.

The majority of the apostles abandoned Joseph Smith in order to pursue goals and loyalties different from those they had been called of God to uphold.

For an additional, in-depth analysis by the authors regarding the events, documents, and personalities surrounding the May 8, 1844, *Francis M. Higbee v. Joseph Smith* case [Higbee “Damages” lawsuit], see Price Publishing Company’s *Vision* magazine, issue

73, July 2012, <http://restorationbookstore.org/articles/nopolygamy/jsfp-visionarticles/JSFP-Vision073.pdf>.

Conclusion

The last thing Brigham Young and other polygamists wanted was a public court investigation into whether or not Joseph Smith was a polygamist. Brigham and the other apostles knew that if Joseph was called to testify before the Circuit Court at Carthage, Illinois, for the crime of polygamy, he would prove to the court that he had only one wife, Emma Hale Smith. They also knew that Joseph was planning to expose the true polygamists in the Church (including themselves), who were attempting to either sway him to their way of thinking or destroy him and take over the Church.

There were many Church members at Nauvoo who were aware that members of the Quorum of Twelve Apostles, and their close relatives and friends, had plural wives. In some instances, children had already been born of those plural wives. An investigation by the civil or criminal courts was sure to expose such misconduct, as well as the many associated crimes they had committed related thereto. The polygamous apostles knew that such a trial would lead the state authorities directly back to them. The guilty apostles would then be charged with bigamy and would face fines and/or imprisonment. Joseph had to be stopped from testifying if they were to remain free! The best way for Brigham Young and his accomplices to protect themselves, prosper, and grow in power was for them to falsely pretend to defend Joseph while at the same time enabling his persecutors to do away with him.

The Law conspirators believed Joseph was a fallen prophet. While some of these conspirators wanted Joseph tried for his “crimes,” others—like the Fosters and Higbees—wanted him dead. Thus, they all wanted him tried in a civil court outside of Nauvoo to accomplish their designs. Even if they could not convict Joseph, his testimony hopefully would convict the polygamous apostles. And for the conspirators who had murder in their heart, a trial outside of Nauvoo would leave Joseph unprotected and possibly allow them to act upon their desires.