

Missouri State Archives: Finding Aid 5.1

Mormon War Papers, 1837-1841

[Full-text transcription of: Report of the Joint Committee on the Mormon Investigation to the Senate]

[Turner] Report
Mormon
On Table till
3rd day of January

The Joint Committee to whom was referred so much of the Governors message as relates to the recent difficulties with the people Called mormons & a portion of the Citizens of the State – And also a resolution requiring said Committee to select such documents referred to in said Message as ought to be published have directed me to submit the following report, preamble & resolution to the Senate & recommend their adoption

Turner Chairman

The Joint committee to whom was referred so much of the Governors message, as relates to the recent difficulties between the people called mormons and a part of the people of this state with instructions to enquire into the causes of said disturbances and the conduct of the military operations in suppressing them have taken the same under consideration, and would respectfully submit the following report and resolutions.

They have thought it unwise and injudicious under all the existing circumstances of this case, to predicate a report upon the papers, documents, &c purporting to be copies of the evidence taken before an examining court Held in Richmond in Ray county for the purpose of enquiring into the charges alleged against the people called “Mormons” growing out of the late difficulties between that people, and other Citizens of the state.

They consider the evidence addressed in the examination then held, in a great degree, [expartied]; and not of the character which should be desired for the basis of a fair and Candid investigation. Moreover, the papers, documents, &c have not been certified in such manner as to satisfy the committee of their authenticity.

It has been represented to them, that the examining court have sent on for further trial many of that class of citizens called Mormons, charged with various crimes and offences; under the charge of treason, six; for murder, and as accessories thereto before and after the fact, eight; and for other felonies, twenty seven. Special terms of the Circuit Court are expected to be

held in the several counties, in which the above mentioned crimes are represented to have been committed. Grand Juries will then have those charges against said people before them, and must act upon the same, documentary evidence which the committee would necessarily be compelled to examine by which circumstance two co-ordinate branches of this government may be brought in Collusion; - a contingency that should be studiously avoided, and cautiously guarded against

Another insuperable objection that has presented itself to the mind of the committee and which would induce them to suspend any investigation under present and existing circumstances, would be the consequences likely to result from a publication of their report; Those persons who have been sent on for further-trial have guaranteed to them the sacred and constitutional right of "a speedy trial by an impartial Jury of the vicinage;" and if the guilt of the accused should be confirmed by the report of the committee it would so prejudice public sentiment against them as to deprive them of that right which should not be taken away by any consideration, ["involving either public interest or public expectations" crossed out] involved in this enquiry- If the Committee were to find it necessary in the prosecution of their object, to have access to the papers, documents, &c connected with this difficulty, the probable interference of the several courts being in session Might seriously interrupt their views, It might Presumably be expected that all the evidence of every description would be in the possession of the Courts to be used on the final trial, and by that means the investigation would be protracted to a much greater length, that would be necessary under different Circumstances- They would, therefore, recommend, in order to avoid all the difficulties that have been presented, that, a committee after the adjournment of the General Assembly, go into the vicinity of the scene of difficulties, and make their investigation and report at such time and in such manner as the Legislature may direct. If this course should be adopted, the Committee believe that the session would be much shortened, and heavy expenses saved to the state, which otherwise would necessarily be incurred in sending for witnesses and bringing them from so great a distance. By a resolution of both houses the special message of the Governor in relation to the subject of enquiry with the accompanying documents was referred to this committee, with instructions to select such documents as in their opinion ought to be published

with the message and report to their respective houses- The Committee after a full consideration of the subject with due regard to its importance are of opinion that it is inexpedient at this time to publish any of the documents under the authority of the General Assembly and submit to the two houses the lead-

ing reasons for that opinion-

The documents may be divided into several classes.

1st the affidavits and correspondence preceding each series of authorized military operation-

2^{ed} the orders issued upon such evidence

3rd the military operation and correspondence consequent thereon and

4th the evidence taken before a court of enquiry held for the investigation of criminal charges against individuals

It was found by the Joint Committee at an early period after their organization, that in order to a full and satisfactory investigation of the subjects referred to them, a mass of additional testimony oral and written would be required- This became apparent to the committee from the contents of the documents referred to them- These documents although they are serviceable in giving direction to the course of enquiry are none of them except the official orders and correspondence such as ought to be received as conclusive evidence of the facts stated, nor are their contents such as would without the aid of further evidence enable the committee to form a satisfactory opinion in relation to the material points of the enquiry

The copy of the examination taken before the criminal court of inquiry is manifestly not such evidence as ought to be received by the committee.

1st because it is not authenticated, and,
2^{ed} it is confined chiefly to the object of that enquiry; namely the investigation of criminal charges against individuals under arrest; for these reasons, but above all

for the reasons, that it would be a direct interference with the administration of Justice, this document ought not to be published with the sanction of the legislation.

The Committee concludes that it would not be proper to publish the official orders and correspondence between the officers in command and the executive without the evidence on which they were founded; and that evidence is not sufficiently full and satisfactory, to authorize its publication, To publish the whole together [~~“would”~~] Might tend to [~~“direct”~~] give a direction to the public mind prejudicial to an impartial administration of Justice in pending cases while [~~“administration of Justice”~~] it will not [~~“form”~~] afford the means of forming any satisfactory Conclusion as to the causes of the late disturbances, on the conduct of the military operations in suppressing them

The Committee therefore recommend to each house to adopt the following resolutions

Resolved. That it is inexpedient at this time to prosecute further the enquiry into the causes of the late disturbances and the conduct of the Military operation in suppressing

them

Resolved. That it is inexpedient to publish at this time any of the documents accompanying the Governors Message in relation to the late disturbances

Resolved That it is expedient to appoint a Joint Committee composed of _____ Senators and _____ representatives to investigate the causes of said disturbances and the conduct of the Military Operations in suppressing them to meet at such time and to be invested with such power as may be proscribed by Laws.