

## "MORMONS" AND CITIZENSHIP.

On Monday, November 25th, Dickson offered a certified copy of an order by

JUDGE CRADLEBAUGH,

made April 4, 1859, wherein he adjourned court "because he could not enforce the laws, owing to the opposition of the people."

There was also a communication to Judge Cradlebaugh, wherein the reason given by witnesses for non-attendance at court was stated.

LeGrand Young objected to the documents as immaterial and having no bearing on the application of Mr. Moore.

The communication was not received in evidence but the order of court was. This order says that men high in authority in the Mormon Church and civil officers—in fact, the whole community—were opposed to the enforcement of the laws. It also says the grand jury has joined with the community, and permitted "Mormon" murderers and thieves to go unpunished.

Judge Anderson asked what the communication was, and it was given him to read.

Mr. Moyle offered the proceedings of the celebration of Independence Day, 1871, in the Tabernacle, showing the loyalty of the "Mormon" people. The opening prayer was offered by Apostle Orson Pratt, asking for the establishment of the principles of the Constitution of the United States, not only within the present confines of the nation, but over the whole continent of North and South America.

REUBEN SIMPSON

was called by R. W. Young and testified—I remember the procession with D. H. Wells; the firemen had an American flag, which was carried upright near the centre of the procession.

To Dickson—I am in the employ of the city, and was at that time.

LeGrand Young announced that the defense rested, and at 9:30

WM. H. DICKSON

began his argument. He opened by saying that if there was any doubt as to whether an applicant for naturalization would give the fullest allegiance to the government, that doubt should be resolved against the applicant. He should be attached to the social structure of the people, which lies deeper and beyond the Constitution itself. No foreigner should be admitted if he acknowledges an allegiance to any Church, so far as his conscience is concerned, higher than that of the government. Every sincere "Mormon" is in an attitude of hostility to the government. The teachings of the Church leaders from the first has been intended to place the people in antagonism to the government. The aim of the Priesthood has been to wield absolute obedience in temporal and spiritual matters. The members are required to enter into covenants that bind them to obey the leaders in all things, and to relinquish their free agency.

Dickson began his quotations by reading from remarks by Heber C. Kimball, in 1857, in reference to sending an army to destroy the "Mormons;" also, from President Young, in the same year, in reference to the martyrdom of Joseph and Hyrum Smith, and the requisition for the "Mormon" Battalion. Dickson said the army was coming to instal the officers, not to make war on the people. The President of the Church said the civil officers should not take their offices, and the government sent an army to enforce the laws. There might have been some excuse for the people then, but there was no excuse in 1877, when the present head of the Church prayed for the destruction of the government. Dickson then read from the statement by President Woodruff, published in our dispatches today, regarding the present proceedings before Judge Anderson.

In continuing his speech, Dickson referred to sermons by Orson Hyde and others, in which he claimed the government was arrayed as the enemy of the "Mormon" people. Within the past six or seven years the government had been making an earnest effort to enforce its laws, but there was nothing to indicate that the sentiment of the people toward the government had changed. In 1879 there was a procession in honor of a man who refused to answer certain questions in court, and treasonable banners were carried. In 1885 the national flag was half-masted over public buildings, by "Mormons," and no word of censure had come from the "Mormon" people. The official organ of the Church has traduced every man who has had the courage—and I am ashamed that there are but few—to stand up in court and promise to obey the law; while they have held up as exemplary those who have refused to give such submission. The attitude of the people now is the effect of the teachings of the past, and is in antagonism to the laws. The head of the Church, and the heads of the People's party, had united in raising funds to aid those who had violated the law. There was no leader who had advised submission to the government. They say they uphold the Constitution, but they uphold it as interpreted by them, and in it they claim a guaranty of religious freedom.

We might expect that in their secret rites there would be something antagonistic to the government, and we think we have found it in the testimony of Bond, Silver, Wardell, Gilmore, Lawrence and others. Mr. Lawrence is a man of unflinching integrity and truthfulness, and we have but to look at his experience when he had the courage to come out of the Church. His business was ruined; his old friends and acquaintances turned their backs on him, not daring to be seen with him. This is what he had to face, and his punishment was because he stood by his friends when they opposed the exercise of temporal power by the Church. He says

the Endowment oath was taken with uplifted hand, to avenge the blood of the Prophets Joseph and Hyrum Smith, and to teach it to their children. I say no one who is sincere in this is not antagonistic to the government. Their witnesses have sworn that in the Endowment House the government was not mentioned or referred to; so does Henry W. Lawrence. There was no need for them to mention the government. When they were asked what did occur, they declined to state. Dr. Richards said there was anointing of the arm to be strong to avenge the blood of the Prophets when required. This means that they are to obey the counsels of the Priesthood. Will the court say that anyone who takes a covenant of that kind is fit for citizenship? We say that a member of an organization that requires of any of its members any such an oath should be excluded from citizenship—that he should have no voice in the government. No man who gives aid to this organization is entitled to become a citizen. This is not persecution. They may believe what they please, but when they ask for a voice in the government, that government should exclude them from the ballot box, and that is not persecution. Will anyone deny that absolute temporal power was claimed? There has been a change of circumstances, but but not a change of sentiments and purposes.

George Q. Cannon, who prosecuted Godbe and Harrison, is at the right hand of the head of the "Mormon" Church, and if the conditions were the same he would act as he did then. The policy of the Church has not changed. George Q., in 1865, declared that it was his privilege to dictate to the people in temporal things. Brigham Young declared that his office of Governor was controlled by his Priesthood; he declared that the Church was establishing the Kingdom of God to control all things, temporal and spiritual; he also declared that it was the duty of the leaders to direct in temporal and spiritual affairs that they were the Kingdom of God on earth. Such was the teaching of George Q. Cannon down to December, 1883, and probably later. Before then he had never heard of a disposition to question the control of the Church in temporal matters, and he deprecated it. Joseph F. Smith, in August, 1884, also claimed temporal control for the Church, and made it apply to political affairs. The claim was just as broad and strong five years ago as it was forty years ago. Wilford Woodruff also made the same claim. He is regarded as being divinely chosen, and speaks in the name of Almighty God. If the "Mormons" are not hypocrites they will obey His word, and the history of the people shows that they have obeyed it. This is the covenant they have entered into. Their witnesses say they heard no such covenant in the Endowment House. But an Apostle has declared that the covenant is taken,

The Doctrine and Covenants shows that control in temporal matters is a doctrine, for the revelations go into detail. Mr. Baskin was mistaken when he said it was not in the late edition of the Doctrine and Covenants. Never was there greater blasphemy than when Joseph Smith gave that as a revelation. The people who would believe that God said such things are just the people to be prieststridden slaves. H. C. Kimball told the people to do as the Priesthood said, whether it was right or wrong. Think of a man favored of God, to receive revelations, teaching such things as are in the Doctrine and Covenants, in the revelation on celestial marriage, regarding the forgiveness of sins and cursing. Think of Wilford Woodruff being able to curse, and to approve it, and saying that a people under that bond are free? That is heresy; it cannot be true. The Doctrine and Covenants has directions as to what the members of the Church should do in temporal affairs. Can any one doubt that they believe the head of the Church is the representative of God? and, if he has this power, that men whose consciences are bound by this superstition have surrendered their free agency.

Polygamy is believed in by all the Mormons. For 30 years the government has been trying to destroy it, and are no nearer now than when they started. Is it persecution to say that such persons should be excluded from citizenship? The government says that it will give them protection, but will not admit them to citizenship. I cannot see how a member of that Church can conscientiously ask to become a citizen. Neither can I see that a man who believes polygamy is right can take an oath of allegiance to the government that is trying to overthrow it. If I believed that polygamy was right, I would have my right hand cut off before I would swear to obey the laws of a government that is trying to overthrow what I believe to be right. I think no sincere Mormon takes such an oath without a mental reservation. I think that no man who believes in polygamy has a right to the franchise, for such a social order is opposed to the monogamic order on which the government is based. We don't desire to persecute. We desire to uphold the arms of the government in crushing polygamy, and to weaken the power of the Church. It is not persecution to say that these people will have the protection of the laws, but so long as they aid the Church by membership they shall not be admitted to citizenship.

In regard to blood atonement we say that the testimony conceals the real facts of the case. It is claimed that murder and adultery can be atoned for only by death, but that is to be inflicted by the law of the land. They do not call attention to the law that adulterers shall be destroyed. I say that the idea that the Church has no authority to punish the crime of adultery, according to the law of God, is not correct—that it is not sincere. In the lecture on blood atonement,

C. W. Penrose says that the time will come when the law of God shall be enforced against adulterers. In the same lecture, speaking of the laws against polygamy, he says those laws are unconstitutional and not binding on the people. That shows they believe the Constitution gives them the right to do anything in obedience to any revelation which they claim to be from God. They say the nation is persecuting the Saints in opposing the practice of polygamy, and that is why Wilford Woodruff prayed for the destruction of the government.

As to the penalty for apostasy, the witnesses say there is nothing but excommunication; but Brigham Young said that rather than apostates should flourish here he would unsheath his knife and conquer or die.

Surely there is no court that will admit to citizenship members of an organization such as the history of this Church shows it to be.

#### LE GRAND YOUNG

said that the facts were all that the court should listen to. Inference of any character should not be taken as evidence, especially when the man interested, the applicant in this case, has taken no part in any of the transactions testified to. Mr. Young read the law on naturalization, and then proceeded with his argument. The discretion of the court in these matters is merely a legal discretion; it is not captious. When a man makes the requisite showing, and shows the proper conduct, it is the duty of the court to admit him. An objection to him must be on legal grounds. Mr. Moore has applied for citizenship. He has shown proper residence, good moral character and attachment to the Constitution. He is a qualified applicant, and we demand that he be allowed to take the oath and that the court give judgment for him.

The objectors said they objected to him because he had taken an oath against the government. They proposed to show this, and we came here to answer them. We have answered them. We have shown that no such oath has been taken. Mr. Young reviewed the testimony of the witnesses for the objectors. It had been claimed that men had been murdered by the Danites. They referred to the killing, by the officers of the law, of the notorious desperado, Ike Potter. This case did not suit them, so they dropped it, and got Wardell's story about the killing of a man named Green. This is the only time in this Territory that a man has been named as having been blood atoned. We challenged them to the issue, and after 40 years of talk we have this one case. They stand or fall by this record. They came to prove the infamy of the Church by this their champion case. But where has it gone to? Never have I heard such a statement as this Wardell made; he went on to say that Hickman confessed it. Such a story is too absurd. Bill Hickman was a murderer, and lived too long, but he never was fool enough to confess as Wardell says. No man who ever knew him would believe such

a statement. If there was no other evidence this would be sufficient to stamp Wardell's story as false. For forty years there has been a cry of blood atonement, and now the best legal talent of the Territory comes forward with this case at last, to say that the Mormons are a bloody people. Wardell is the kind of witness they have brought here to prove their case—and the witnesses have swept away even a possibility of the truth of his story.

The witness Cahoon says that there was no oath against the government, but he inferred, etc. It is the truth that we want considered in this case, not inferences. Cahoon says there was nothing of an unlawful nature in the Endowment.

McGuffie said he had taught that Brigham Young was God. He was just such an idiot as to do so. But if he had taught it in public, he would not have remained in the Church as long as he did. I do not believe he ever taught it at all, any more than he heard that the Endowment oath never existed.

As for Gilmor, he is an apostate with all that the term implies—a man who quarrels with his neighbors, a man who cannot be believed under oath, as the witnesses here say.

But they say H. W. Lawrence is respectable. His early life was in the Church. He spent 21 or 22 years in the Church, and was in the Endowment House. He does not say he apostatized because there was anything wrong there, or because he was opposed to "Mormonism." He says he left because his friends took issue with Brigham Young in regard to the control of temporal affairs. He says the only reason was because he did not believe that Brigham Young should control private affairs. He says that his custom fell off after he left the Church, and he was socially ostracised. That is the secret of his venom to the people: It was because he was denied the privileges he had had before. No man oppressed him; but those who had patronized him ceased to do so. He says he stood by his friends; but he forgot that the people who had patronized him would do the same thing, and when they did he became venomous. But with all this he does not intimate that there is anything unlawful in the Endowment. On the witness stand he contradicted their witnesses. They did not dare to ask him if there was any oath against the government, and it was only brought out on cross-examination. Then he said there was a covenant for the avenging of the blood of the Prophets, but that the government was not referred to. His is an emphatic denial that there is any oath of avenging the blood of the Prophets on this nation.

The other side say that the government was meant. That is the first time that the government has been charged with being responsible for the murder of Joseph and Hyrum Smith, and I say the charge is false. The government is not and was not responsible. The deed was done by



base assassins who should have been punished, and the government never instigated or committed the crime, or approved of it. Henry W. Lawrence, an apostate, says that the government was not even intended; and so does every honest man. It has been found that there is nothing disloyal in all the endowment ceremonies.

Then the objectors fly to the sermons that have been preached, and select isolated passages. But these are not doctrine; they are not accepted by the Church in the sense in which the objectors interpret them. I say that when the Prophets Joseph and Hyrum Smith were killed; when 15 or 16 men, women and children were cast in a dark hole and buried; when scores of similar crimes were committed, the State of Illinois should have punished the murderers. The objectors here dare not deny that these murders were committed in cold blood. And there is no record of one of the murderers being brought to justice. Then 20,000 men, women and children were driven from their homes into the wilderness. Has that outrage ever been punished? But what did those people do? They came to foreign soil, hoisted the Stars and Stripes, and took possession in the name of the United States.

In 1857 word came that 25,000 soldiers were on the way to drive them again. Don't you think the people were excited? Don't you think the murder of fathers, mothers, brothers, sisters and children came before their eyes again? Would you expect moderate expressions from a people in this situation? But the expressions were against the mobs who had despoiled and would despoil them, not against the government.

In 1856 the people here were living on roots. The Church did exercise a temporal power then, in one instance, and by it saved the people from destruction. It divided the food. In all the eastern journals there was not a word of sympathy for us. It was understood there that hundreds of men, women and children were dying of starvation, and one journal stated in its columns that there was at least a solution of the Mormon question, for they were starving to death. I admit that it rankled in my breast in those times.

On this came an army which we understood was to annihilate us. After the *sympathy* shown to Mormons in Missouri and Illinois; after the *sympathy* shown in rejoicing that we were starving, we were informed of the additional *sympathy* of an army coming to destroy us. Is it any wonder that wild expressions were made—expressions that today we would not make, and would not approve under different circumstances? I challenge the other side to compare the history of any State or Territory with ours, as to a law-abiding people, even with the solitary exception of a law against a doctrine of our religion.

Our witnesses emphatically state there is nothing in the Endowment that is repugnant to the gov-

ernment—that there is nothing bearing in any way upon the government. As to obedience to the Priesthood, testified to by McGuffie, Wardell, Bond and Gilmor, who also testified that polygamy was enjoined by covenant, Mr. Lawrence as well as others denied this, as far as the Endowments are concerned. Mr. Lawrence said that was the trend of the teachings outside. The witnesses say that Joseph and Hyrum Smith are included among the Prophets. It is also in evidence that the ceremony is the same for the dead as the living, showing that it has no reference to the individual action; and when Mr. Dickson could get nothing to suit him, he would end by a question which he wanted to impress on the court as meaning that the witness was not telling the truth; that question was: "Are you a Mormon?"

But the "Mormons" told the truth, and when it came to matters that were sacredly religious, they declined to answer. So because the alleged oath was shown to be a myth, the other side flew to old sermons, such as I have referred to. I will mention another witness who said there was nothing that was incompatible with citizenship in the Endowments; that there was no covenant to obey the Priesthood; that there was no covenant to avenge the blood of the Prophets; that there was no reference to the government, by inference or otherwise; and that man is E. L. T. Harrison. He is as intelligent and as respected as is Mr. Lawrence, and he declares that there is nothing in the Endowment that is contrary to good citizenship. So does Ell B. Kelsey, also a man of intelligence and reliability. There is nothing in the Endowment that is in any way opposed to good citizenship. That is the declaration of Mr. Harrison and other reputable men. It has been urged that a prayer to avenge the blood of the Prophets is antagonistic to the government. But the answer to this is that not an intelligent man understood that he was to take any part in it—that there was anything objectionable in it. Again I refer to the reason for Mr. Lawrence leaving the Church—that it had no connection with the Endowment House, but it was because of his attachment for certain friends in a question about temporal affairs. The testimony of the witnesses for the applicant has shown that these references to the government never had any existence in fact, and our witnesses are corroborated by all the reputable witnesses for the objectors.

In regard to the sensation of Mr. Wardell, it shocked the community, and there was great excitement in consequence. I suppose the attorneys brought Wardell in good faith, and thought he would tell the truth. I can understand Wardell on no other ground than that he is more a fool than a knave. He named some whom he said were present at the horrible scene. I admit that I never heard such a shocking story before. Wardell's own son, not a "Mormon,"

was sent for and he contradicted flatly his father's testimony. Then comes Wardell's wife, daughter and another son, who also state that the story is false. Wardell says Green lived at Farmington. We brought witnesses and proved that the only man named Green who lived at Farmington is still alive, in the northern part of the Territory. Joseph Follett, said by Wardell to be an eye-witness to the horrible deed, is brought, and swears that no such a thing ever occurred. The whole was a trumped-up story, with not a word of truth to base it on. And that is the case with all the noise that has been made about the "Mormons." There is not a thread on which to hang any of the horrible stories about "Mormons." They are alike baseless and untrue.

In regard to the intolerance of "Mormons," the objectors have sought among the dregs of the apostates, who are the most bitter of all toward those who were their former associates. Here the "Mormons" are on trial on the testimony of their sworn enemies. What was the story of Christ Himself, as told by His enemies? It was that He was a winebibber and a glutton; and it was left to His friends, in the four Gospels, to tell the true story of His life. I say that the testimony brought here against the "Mormons" is unworthy of consideration in a court of justice. The history of the "Mormons" has not been one of peace and comfort; it has been one of injustice and persecution, and is it any wonder that some of them have spoken bitter words?

In regard to the alleged trailing of the flag. I say that there never was one purposely dragged in the dust. There may have been one that dropped, but even Mr. Arthur Pratt, who says he would have seen it had it been trailed, declares he saw no such thing. The testimony of it is only from sworn enemies. The court speaks of the demonstration at Mr. Wells' release. This is the only place on the continent where a man is consigned to a felon's cell for contempt of court. The people rose up and manifested their distaste of such a thing.

Court—Is there any other place to confine them in?

LeGrand Young—It is the business of the government to treat us as it does people in other parts of the republic. It should have provided a place here as it does elsewhere. It has the means and certainly has had the opportunity. It has no right to discriminate against us. I say that Utah is the only place where the United States, when a witness is committed for contempt, consigns him to a felon's cell. And the people in the case of Daniel H. Wells manifested their disapproval of it. And was that treason? I say it was not. They had a right to do so. The people had a right to express themselves, just as the English people did when they strewed the path of Defoe with flowers, to and from the pillory, until the executive had to pardon him. Was there any treason in that? Not a breath. They were expressing their distaste

of the act of a public officer, just as they had a perfect right to.

At this point court took recess till the afternoon.

This afternoon Mr. Young continued his argument. He said a thorough investigation would show that the charge against the "Mormons" that they had a government within a government was entirely false. It may be that in times past there have been expressions that were loose, but not approved of. That no treason was thought of is plain in the fact that there was no effort to guard the expressions made. The term treason had been applied to the utterances of "Mormons" when no such thought had entered their minds. The half-masting of the flag had been called an insult. There was no such intent. The flag at half-mast is a sign of mourning, and that is all there can be said of it. Its being placed at half-mast may be regarded as inopportune, because it indicated a mourning at the court's decisions. It was inopportune—an inappropriate action—but it was no treason. No intelligent man can say that an indication of mourning is treason. The flag belongs to every citizen, and using it as a symbol of mourning, of grief, of sorrow, is not treason.

Court—Was there a cause for mourning?

Mr. Young—I suppose some of the people thought there was; but that was not treason. There was no aspect of treason, and it cannot be distorted to that. It may have been disrespect to the courts, and should not have been done. But it was not and could not be treason. Why, in Boston, when the Fugitive Slave Acts were in force, the people of the north claimed that they were unconstitutional. Money was raised for their repeal. Under that law, in the Burns case, the government captured a slave in Boston and sent him back. The people of Boston half masted all of the flags on the public buildings. That was no treason.

Court—Do you think that was to indicate sorrow, or as an insult to the government?

Mr. Young—I would say it was an indication of sorrow. The people there did not want to insult the government—and they were not treasonable.

Court—There can be acts that are not punishable, but are treasonable.

Mr. Young—The framers of the Constitution defined treason, and it still becomes their descendants to change the definition. As I have said the demonstration when Mr. Wells was released was not treason or treasonable. Mr. Dickson has urged that the raising of money to defend men in court was treason. That is a new doctrine to me. I always understood that men have a right to a fair trial—that they have a right to test the legality of any law. I maintain the right as a citizen to test the constitutionality of any law; and that every man, be he Mormon or Gen-

tile, has a right to a fair trial and to a proper defense, and it is not treason to employ means to contest legally any cases in courts. The history of this nation shows that before the war there was much of this, and even the Supreme Court of the United States had to be rearranged before certain acts could be declared constitutional. And I say that the testing of laws before the national tribunal will not be denominated treason by any gentleman.

I say, further, that the religious belief of this applicant can be no test of his right to citizenship. We have not yet come to judging in the domain of conscience, for we cannot do it constitutionally. Lord Macaulay says that if such things as this was not persecution, there could be no religious persecution. Mr. Young then read from Lord Macaulay's essay, in which he says that to punish a man because, from some doctrine he holds, it is believed he will commit an offense, is persecution, and foolish and wicked. To argue that because a man is a Catholic that he is bound to murder a heretical sovereign, and then base a law on that assumption is persecution. And counsel in this case have used the same arguments that were used against the Catholics in England, with only the change that it is "Mormons" to be disfranchised now instead of Catholics. But the British nation forever silenced the argument there, and in justice it should be forever silenced here. In this case the applicant has shown himself eligible for citizenship in every sense, and it is his right to be admitted. It is urged that he belongs to a sect that has taught a doctrine which is incompatible with the laws of the nation. It is urged that the "Mormons" must obey the Priesthood; and they say that every "Mormon" in good standing must go into polygamy. What is the fact? The great majority of the "Mormon" people—nineteen-twentieths—have not gone into it, and are therefore not in good standing. The argument is its own refutation when compared to the facts. Say what you please of "Mormon" sermons and the revelations they have, but from their actions you can find no fairer record in any part of the Union. Judge us by our acts, not by the opinions and expressions of avowed enemies.

HON. S. R. THURMAN

said that his connection with the case had been irregular, owing to his necessary absence, and he had not expected to make an argument. There were some points, however, which had not been fully developed, and to these he would refer. This proceeding was indeed a strange one. We have passed along in the history of this Territory to a time when men speak of a certain people as becoming more liberal, and less peculiar and exclusive than they had been. In other words, they are growing more like other people. Congress has gone over this ground time and time again, on the suggestion of counsel for the other

side. Congress had had this matter before them for the same purpose sought to be effected here, and in every instance Congress has refused to take the step that the court is now asked to take. The strongest witness on the other side, H. W. Lawrence, said the people were growing better, and men were saying the "Mormon" question was about solved. Now, on the eve of a great political battle; on the eve of a most important election; when it was claimed that the "Mormons" were in the minority, it is now asked of the court that the "Mormons" be disfranchised. There is no foundation for such an outrage. Go back to the attitude of men in 1857 and 1858, if you will, yet the fact today stares you in the face that the very things complained of are working out, and the cause, if ever there was any for this proceeding, passed away a generation ago. The man who says that for the past 15 years—we will name that period—every man has not had the fullest liberty, so far as the "Mormons" are concerned, that man has some reason for stating a falsehood. It is said that in August 200 or 300 young Mormons voted the adverse side; now this court is asked to disfranchise those Mormons and all others.

When I first entered the court room, as a spectator in this case, Gilmor was on the stand, and he was saying that if he told what he knew, his life would be in danger. Did your honor believe him? Did anybody believe him? I think not. There was falsehood on his face, and he is unworthy of belief. Henry W. Lawrence was not afraid and he had worked in the Endowment House; Mr. Lawrence was even anxious to make "explanations," and thus gave vent to his prejudices. If the rumors that have been brought in here as evidence were thrown out, there would be a vast difference in the record. The half-masting is cited as a disloyal act, and the whole "Mormon" people are to be held responsible; yet it did not occur in any town throughout the whole Territory, except on a few places in Salt Lake, and the act is one that even the people here condemn. That trailing of the flag has also been shown to be an invention. What purpose could there be in it? It was either the purest accident, or it never happened at all.

"Mormon" applicants have been naturalized for years, and recently they have been asked to specially agree to obey certain laws. Now it has been discovered that by objecting to their application in a court of justice "Mormons" can be prevented from becoming naturalized. Just what logic there is in the position I leave for the present.

Mr. Lawrence told how he was neglected by those who had before patronized. What would be done with any leading "Liberal" if he were to join the People's party. He would not only be ostracised, he would be hung in effigy.

Reference has been made to the defense fund. Was the raising of it unlawful? Why, at that time there was a movement organized and on



foot to send "Mormons" to the penitentiary, on segregated offenses, for extended terms. If it had not been tested, and if the court had not set it aside, "Mormons" would now be serving life sentences in violation of law. Who was then upholding and defending the Constitution. Was it the officers of the government who were enforcing that which the supreme tribunal said was unconstitutional? No; it was the people whom it was now sought to deprive of the rights of citizenship. Was there treason in this? The supreme court said no, by upholding them and setting aside the unconstitutional measure. If a man has no right to test the law he is robbed of a precious right of the citizen. The people subscribed to test the law, as they had a perfect right to, and they maintained the Constitution by having a construction put on the law. The people even have the right to agitate for the repeal of the law; yet where they have done so their acts have been deemed treasonable.

There is but one way for the citizen to exercise his right in the courts, and that is to test each individual case. But to take a man and charge him with all the fancied offenses of others, when he applies for naturalization, is most absurd. To take an innocent man, one who never heard of these things, and judge him by them, is to perpetrate a great injustice. It must be true that there are "Mormons" in Utah who are loyal to the government—who would bare their bosoms as readily as any others in defense of their country; and yet your honor is requested to shut them out. Will the court take the responsibility for so much of persecution, of wrong, of outrage, as is meant by this proceeding? I trust that we will have no necessity to find fault with the court for a decision in this case.

R. N. BASKIN

read from the naturalization laws, and said that he regarded in the case of an applicant for naturalization all doubts should be resolved against him. Every one who leaves the "Mormon" Church should show by five years residence that he is in good faith before he is admitted to citizenship. I say no Mormon is entitled to citizenship. The Mormons do not dispute that they believe in polygamy, and that as it is revealed of God they cannot renounce it.

The "Mormons," he said, had as much a right to have a revelation commanding burglary. If it had been burglary instead of polygamy, a member of that organization would not be considered of good moral character and well disposed to the happiness and good order of the people of the United States. I say a member of this Church who asks for admission to citizenship displays a cheek that is sublime. They claim this revelation to be divine, and it is not necessary to go one step further. This man is a member of an organization that believes in polygamy,

that should be enough to keep him out.

Baskin read from the decision of the Territorial Supreme Court in the case of the United States vs. the Church. Upon this he claimed that the Church was a theocratic organization, and no member could be attached to the Constitution of the United States. The system was founded on revelation from God, and the man who believes in a Supreme Being must consider His laws superior to all others. The central idea of Mormonism is revelation. The laws given relate to man's social condition, and certain rules are prescribed for the marriage relation. This is taking jurisdiction of matters of civil concern. This system claims to be the Kingdom of God—not in its full strength—but the child is born and is being developed toward manhood, when Christ will come. That is their theory, and as God, the King, is not here now, He has delegated His powers to the Priesthood. It is an absolute theocracy and its laws are from the Almighty God. Every Legislature has had to have its laws approved by this Priesthood. I say a member of such an organization cannot be admitted to citizenship. In this instance belief is an important feature. Patriotism itself is a mere sentiment. The member of this Church who says he is attached to the Constitution is either a hypocrite or speaks falsely. If he says he belongs to the Church but does not believe in all its doctrines, his statement is not sincere on its face. You can throw the veil of charity over the man who acknowledges that he believes in all the doctrines, because he is evidently honest.

As to the Endowment oaths, all the witnesses for the applicant declined to say what the covenants were. They concluded that they did not relate to the government. F. D. Richards says that the people are all under covenant to obey the Priesthood in all things.

Baskin began reading from his compilation of "Mormon" sermons, but Mr. Moyle objected, because his compilation was garbled and incorrect, and Baskin had to go to the other publications for his quotations.

Baskin said he asked in the name of all that was holy how the leaders of the Church would speak to the people as they did unless those people had taken covenants, and knew what was meant by covenant breakers. He further referred to blood atonement and said it must be a doctrine of the Church. He declared that apostasy from the Church was punishable by death. There was no doubt that there was a covenant to avenge the blood of the Prophets, and to teach their children to do so. Baskin said this avenging must mean the nation, referred to as the nation that had persecuted the Saints. The government may not be mentioned in the Endowment ceremonies, but it is meant. It would be a gross violation of the law to admit a member of the Church to citizenship. The organic act should be repealed, and every vestige of political power be taken

from the "Mormons." The government has been put to great expense to enforce the laws and to assert its authority. A law was passed against polygamy, but the Church continued to preach and practice it.

Baskin then turned to the Doctrine and Covenants, from which he quoted several passages, giving to them an interpretation peculiar to himself. He found fault with the Church for keeping the revelation on celestial marriage in the book of Doctrine and Covenants. He said the declaration of the "Mormons" that they were loyal should go for naught, as no member of the Church could be a loyal citizen.

C. S. VARIAN

said he was out of the Territory when this proceeding was commenced, but he now appeared as the official representative of the United States, to object to the naturalization of "Mormons." When Congress made laws providing for naturalization it required the applicant to be attached to the Constitution of the United States. This was a far-reaching provision. The person admitted must respond to the government readily at every call. If in any degree, by his education or association, it is not possible for him to do this fully, he is not fit to be a citizen. I say that the "Mormon" people as a whole would not respond to these calls. In the war of the rebellion they not only gave the Union no aid but prayed for the destruction of the government. They have always stood in antagonism to the laws of the land.

The Government is putting forth its entire strength to enforce laws here, and the "Mormons" stand as a unit to defy those laws. Every citizen knows so well that he will not listen to argument, that the "Mormons" are not entitled to citizenship. In the name of the Government of the United States, I protest against the admission of these people to citizenship.

Mr. Moyle—Does the Government enter its protest without giving these people a hearing?

Mr. Varian—I think it is pretty well informed on this matter.

Judge Anderson said he would deliver his opinion in writing, and he hoped to have it ready by Friday, or Saturday, November 29 or 30, at the latest. If he was ready before he would inform the parties.

Le Grand Young said there was a statement made by Mr. Varian which should receive attention. He states that no aid was given to the government during the rebellion. As a matter of fact President Lincoln called for 100 men to protect the mails, and the men were furnished and served their time. He also states that they prayed for the destruction of the government at that time, and his statement is not correct.

Mr. Varian said he read, shortly after he came to Utah, a sermon purporting to be by Brigham Young, and Judge McBride says he heard it, expressing a hope that the two factions would destroy each other. A levy of \$100,000 had been made on the Territory and had not been

paid. I don't doubt that men were sent out to protect the route, but none of them joined the contending armies, on either side. They stayed here and prayed that the government might be destroyed.

Le Grand Young said Mr. Varian's statement was unjust and incorrect. He makes a statement of what the government demands, and makes assertions that are erroneous. As to the \$100,000, that was settled in the expenses of Indian wars, and Congress so recognized it. I think Mr. Varian's demand comes with poor grace at this stage of the case.

Mr. Moyle asked that the record show that the District Attorney had not been present, and had not heard the evidence.

Mr. Varian said it could go as requested. He also wanted it shown that he was familiar with the history of the Territory, and had read the evidence as published.

The court then adjourned.

#### MR. PENROSE RELEASED.

Later in the evening Judge Anderson made an order that, the case being closed, Charles W. Penrose should be released from the penitentiary, where he had been committed for contempt in refusing to answer a question concerning his family relations. Word was accordingly sent out to the penitentiary, and Mr. Penrose was set at liberty.