

ington, D. C., in an argument occupying over three hours in the delivery, and of which the following is a concise synopsis:

It should be remembered that a constitution has been framed and presented to Congress, upon which the admission of Utah as a State is asked. In that constitution are the following provisions.

SECTION 12. Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than \$1,000 and imprisonment for a term not less than six months or more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

The chief contentions on the part of those opposing the admission of Utah have been that in the presentation of this constitution with the above-quoted provisions the people of Utah are insincere; they do not really intend to prohibit polygamy or make it unlawful; that the Church dominates the State, and that if Utah is admitted she may then, in the exercise of her sovereign power as a State, change this constitution and get rid of these two provisions, or through her courts so administer the law that polygamy would not be punished. But it is conceded that in all other respects Utah has the requisites for statehood, and that but for these two conditions it ought to be admitted as a State.

Mr. Wilson said: We have here two governments—one exclusive and supreme as to the affairs of the nation; the other exclusive and supreme as to the affairs locally pertaining to a State, an integral part of that nation. The national domain outside the limits of any State is held by the nation under a sort of implied trust, to be divided up into Territories into which the people may go and prosecute the affairs of life, and with the further implication that when the conditions are appropriate the national government will abdicate its powers as to local affairs and yield them up to the people in the form of a State.

When the understood conditions are complied with, the moral obligation to grant a State government is so strong that it cannot in good faith be disregarded. As applied to a government, a moral obligation is the same as a legal obligation to an individual. The obligation to admit a Territory as a State when it had the required population will therefore be performed, unless such a state of facts exists as would justify the highest court of conscience—the

conscience of a Sovereign—in disregarding it.

Utah is applying for admission. We have therefore to inquire whether the conditions requisite exist and, if they do, whether there is anything outside of these conditions to justify a refusal.

The following facts are not disputed, namely: That Utah has the necessary population, which the governor reports to be 210,000. Utah has a public school system reaching to every part of the Territory, and a university of high repute. Besides these, all the prominent religious denominations have their seminaries of learning there. The people of Utah have no superiors as a temperate, orderly, law-abiding, industrious and thrifty people. The ownership of the land is more evenly and universally distributed among them than in any other part of the nation. Her manufactures include almost every useful article, her mining output aggregates over \$10,000,000 per annum, her agricultural, sheep and stock raising interests are of immense value, her flocks and herds alone being valued at \$30,000,000. No people are freer from the vices that are commonly attendant upon congregated humanity. Utah is situated upon the highway across this continent and in direct communication with the great world. All these facts, with the admitted intelligence, energy and enterprise of her people, make statehood of vast importance to them and to the nation, and these are all undisputed and have been supported by statistics, unchallenged, which have been presented by Messrs. Richards and Caine.

Then what are the objections relied upon to overcome this moral obligation of the government? The first is the existence of polygamy. Remember that there has never been any law in Utah that sanctions polygamy. I do not deny that it has existed and does exist there to a very limited extent. It has been demonstrated to this committee, and was to a Senate committee about a year ago, that not more than 2 per cent. of the Mormon population ever were polygamists. I now assert that the figures show that not more than one-fourth of 1 per cent. of the whole population are punishable by the laws against polygamy. These figures are found in the report of the Attorney-General of the United States to Congress. From this it appears there have been only ten convictions for polygamy since the passage of the Edmunds Act of March 22, 1882. There are 210,000 people in Utah, of which not less than 175,000 persons are Mormons. At least 35,000 of them are males of marriageable age. Ten out of 35,000 in nearly six years have been found guilty of polygamy, with all the zeal of special efforts energized by liberal fees. For unlawful cohabitation there were 453 convictions. This was for the association of men with plural wives, married in most cases many years before. About 163 indictments have been found which had not been presented when the official report was made. Add them to the conviction for both

offenses and they make a total of 626. Call all these cases polygamy if you will, then take the population and you will see that I have not underrated the percentage, and you will also see how little of polygamy there really is in Utah, how grossly these people have been misrepresented, and how preposterous it is to deny political rights to the many who have not offended because of the offendings of the comparatively few.

It is proposed that you reject this application. Why? Because a few hundred, not to exceed 2 per cent of the voting population, have committed this offense. But the 98 per cent can stand in your presence and say truthfully, "We are as guiltless as you." Why exclude the mass for the faults of the few? If these few offenders had committed some other offense than polygamy, whether *malum prohibitum* or *malum in se*, you would lose your patience if it should be urged that this was sufficient ground for rejecting the whole people of whom they form so small a part. Suppose that the few men, chiefly old men, now in the polygamous status, were to take their families and flocks and leave the Territory, marching again over mountains and deserts to seek a home, what would you do with this application—reject it? Why? You would hang your heads with shame if you had to give the only answer: "Because of the opinion of the citizens who remain."

To support the idea that polygamy would be re-established, or the courts would not enforce the provisions of the State constitution if Utah were admitted, it is claimed here that polygamy is a religious obligation under Mormon revelation. But the very production relied upon to substantiate this shows to the contrary.

The revelation on this subject clearly makes polygamy permissive only, and not mandatory except to one person, namely, Joseph Smith. The obligatory clause therein refers to "celestial marriage," defined as the marriage of a man and wife for all eternity. The fact that the great body of the Church members have never practiced polygamy, and have not been disfellowshipped, proves that it has not been regarded as mandatory. Polygamy was never established by law when polygamists were eligible to office. It is absurd to surmise that it will be when the monogamists, who now ask for statehood, have control of the State, especially in the light of experience and the opposing power of this great nation.

As to this Church control of the State, no such thing exists in Utah, and the very fundamentals of the Mormon creed are against it. They make civil and ecclesiastical affairs entirely separate. Moreover, they require submission to all constitutional laws. The creed taught in their churches and Sunday schools says:

"We believe in being subject to kings, presidents, rulers and magistrates; in obeying, honoring and sustaining the law."

"We claim the privilege of worshipping Almighty God according to