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TRUTH AND LIBERTY.

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WHAT THE PAPERS SAY.

THERE is no paper in the country that we have seen which squarely endorses the unlawful and arbitrary act of Governor Murray, in issuing a certificate of election to the person having the lowest number of votes. Those journals which express gratification at the effect of the outrage, that is, putting Delegate Cannon who was legally elected by an overwhelming majority in the position of contestant, do so not on the ground that it is right, but from the probability that it will bring what they call "the whole question" before Congress, and may lead to that "solution" which has been vainly sought for many years.

By far the greater number of our exchanges, however, condemn the transaction on general principles and do so in forcible and vigorous language. Below we give a few of them, taking up considerable of our space, because we know that our readers are anxious to learn the sentiment of people outside of the Territory on this important question. The Omaha Herald, of Jan. 14, says:

"The action of the Governor of Utah in withholding the certificate of election from the legally elected representative in Congress, and conferring it upon the defeated candidate, has not provoked from the democratic press the criticism it deserves. A more arbitrary and unprincipled proceeding has never before occurred in the country. It is alike destitute of precedent and example, and the pretended excuse offered by the Governor only renders more glaring the enormity. In the first place, neither the constitution nor the laws make him the judge of the qualifications of a member of Congress. Whether Mr. Cannon was a naturalized citizen or not was none of his business. He was elected by the people of Utah, and the duty of the Governor was to render the will of the electors effective in the only proper way, which was to certify the fact to Congress. That body alone can judge of the qualifications of its members. There is nothing in the organic act of Utah which can fairly be interpreted as conferring upon the chief magistrate of the Territory any but executive functions. He is neither a judge, nor an investigating committee. No local law contravenes this assumption or supplies an omission in the organic act which to him is a rule of conduct. Conceding that Mr. Cannon is not a naturalized citizen (which we do not) he was nevertheless elected a delegate to Congress and that body alone can render effective his disqualification, if it exists. His opponent was certainly not elected, and in certifying that he was, Governor Murray chooses between his fealty to his party and his sworn obligations as an officer of the law. But for the dignity of his position, it might be said that Governor Murray, under the solemnities of an official oath, had certified as true to what he knew was not a fact. The whole thing is a subterfuge which, in brazen effrontery, outstrips the usual devices of the characterless politician. It was done in the laxity of a code of morals which in politics as in the hazards of the gamster, considers that the end justifies the means. It sweeps aside safeguards which official honor and the customs of society have provided as a means of preserving the dignity of high position and the personal purity of the magistrate. The instincts of the gentleman are set at naught for the benefit of party. A trick is made to do service as an excuse, from which a sense of justice and a sense of honor equally revolts.

The annexed is from the Chicago Times of January 11th:

"It would seem to be the case that the Governor of Utah is taking the exact course best calculated to secure

sympathy for the Mormons. He refused a certificate to one candidate, who had received some 18,000 votes, and gave it to one who did not receive scarcely as many hundreds. The people of this country do not love Mormonism; but, however much they may hate Mormonism, they have a greater hate for usurpation and injustice. So far as the prerogatives of the governor of a territory are concerned, with reference to the certificates of the congressional delegates, it is limited to certifying to the fact that this or that candidate received the highest number of votes, and substantially, nothing more. There is no law, no constitutional enactment, which makes a territorial governor the judge of the election and the qualifications of members of Congress; that belongs to Congress itself.

"What the people of this country wish is the extinction of polygamy by legitimate process, and not by extra-constitutional acts, or by anything which is in the nature of persecution. If the attempt be made in any such shape, it will only have the effect to strengthen the very thing which it is laboring to weaken. This outcome is seen already in the case of Cannon and Campbell. So far as a choice of men is concerned, there is no doubt that the people of the country would, by a large majority, prefer the selection of the latter, providing it could be done in a legitimate way; but as the matter now stands, the action taken by the Utah governor has reversed popular sentiment, and it is the fact that the voice of the press and the people is now decidedly in favor of the return of Cannon. This is for the reason that they recognize that the manner in which Cannon has been treated is simply an inexcusable outrage.

If this country wishes to rid itself of this Mormon pest, it must go at it in a way that will have no flavor of anything in the nature of persecution. It is a fact which is well understood that, whatever may be true as to the leaders of the Mormons, the masses are sincere in their belief that polygamy is a divine institution, and that, as such, it is their religion just as much as are creeds professed and believed by any denomination in the land. If this be true, then the country has before it the problem of dealing with what are the religious convictions of a people who are numerous enough to form a State. The cases are few in history in which there has been any decided success in an attempt to suppress a religious conviction by persecution; and there is no more likelihood that such an effort will succeed any more in the case of the Mormons than it has in cases of any other religious organization. We may drive the Mormons out of the country; we have done this on two or three occasions already, and there is no doubt that we are strong enough to do the same thing again, providing we should so determine. It may be the case that this will have to be the remedy in the end; but it is one which should not be resorted to till all other agencies have failed.

Meanwhile, should it finally come to a point where the only remedy against the evil would be to drive these people from the country, we shall only increase the difficulty of that attempt, when it shall come, by anything which is in the nature of persecution. If there be any dissensions among the Mormons in the matter of polygamous practices, it will only need the application of a few unjust and rigorous measures to close up these differences, and to place all the Mormons in opposition as one man. How this is to be brought about the Times is not prepared to say, and it is one of those cases in which it is very much more easy to say what should not, than what should be done. It would, however, be entirely proper to enforce the laws which are now in existence, and to see that a polygamous Mormon is disqualified for certain duties; among which should be the representation of Utah, in Congress, by a man who has more than one wife. By this course, which could not be regarded as persecution, for the reason that there are many Mormons who do not either believe or practice polygamy, and who could be selected as the congressional delegate—thereby avoiding anything which would look like an attempt to disfranchise the Mormons—there would, perhaps, grow up in time, an opposition among the "saints" which, in the end, would absorb the majority of the Mormon community."

The Bridgeport (Connecticut) Standard, of January 11th, after making some ironical suggestions on

the hypothesis that Mr. Cannon has never been naturalized—which by the way is an assumption that is as false as the Governor's action was illegal—has the following:

"Cannon will contest the seat and all he has to do to insure his success is to show that he has been legally naturalized."

Whether Cannon is eligible to a seat in Congress or not, certainly Campbell ought not to occupy it, for whoever else the people of Utah may have desired should represent them in that body, they did not yearn for Mr. Campbell's services in their behalf, and for this reason not one in four of them voted for him. If it can be shown that, with due knowledge of the fact that Cannon is not a citizen of the United States, they still persisted in voting for him so as to defy the laws, they would deserve to be deprived of any representation in Congress, but without such showing and without proof of Cannon's naturalization, the case should be remanded to the people, and a new election ordered; and although that would result in the choice of some other Mormon, that fact should make no difference with the action of Congress. What is fair, is fair, no matter who is dealt with."

The Washington Star of January 10th, after giving particulars of the election and the issuing of the certificate, says:

"The ground taken by Governor Murray, of Utah, in his decision, as reported by the press dispatches, is that Mr. Cannon is not, or was not at the time of his election, a citizen of the United States. Mr. Cannon has represented Utah in Congress for some years past, and once before his right to the seat was contested on the same ground now taken by Governor Murray—that he was not a citizen. The election committee of the House, in the 43d Congress, after investigation, decided and reported that Mr. Cannon was a citizen, and he was permitted to retain his seat. He subsequently sat in the 44th, 45th and 46th (the present) Congresses. Aside from the question of fact as to whether Mr. Cannon has been regularly naturalized or not, there is another point of interest which will be involved in the contest for this seat. This is a question of the right of the governor of a Territory to exercise judicial functions in the issuance of a certificate of election to the delegate. The law providing for territorial representation in Congress (Revised Statutes, sec. 1862, page 329,) is as follows: 'Every Territory shall have the right to send a delegate to the House of Representatives of the United States, who shall be elected by the voters in the Territory qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such delegate shall have a seat in the House of Representatives, with a right of debating, but not of voting.' This statute appears to be explicit enough, and does not apparently convey any authority upon the governor to determine which of the candidates is entitled to a seat."

The New York Graphic of January 10, under the heading of "A Returning Board in Utah," graphically remarks:

"Governor Murray, of Utah, has refused to issue a certificate of election as delegate from that Territory to the House of Representatives to George Q. Cannon, who received the greatest number of votes at the election for that office, on the ground that he is not a citizen of the United States and that he cannot become such citizen before the fourth day of March next. It is admitted that Cannon, who has been Delegate to Congress for a number of years, was not born in this country. The Elder claims that he was naturalized in 1854, and when, a number of years ago, his seat in the House of Representatives was contested on the ground of his alienage, the House awarded him the seat. Governor Murray has taken the other view, and decided that Cannon is not now and never has been a citizen of the United States, and therefore is ineligible to the office of Delegate to the House of Representatives. He has, therefore, refused to issue the certificate of election to him, and has issued it to his competitor, Mr. A. G. Campbell.

Let it be remembered—

1. That there is no contest as to the fairness of the election. It is admitted to have been fair.

2. That there is no question as to the right of the voters who cast their ballots for Cannon to vote at an election for delegate. The voters had the right to vote. They were citizens of the United States and duly qualified.

3. That the election was held on the day fixed by law and in accordance with law.

4. That George Q. Cannon received a greater number of votes at such election than A. G. Campbell.

5. That the question of Mormon and Gentile has no legitimate connection with Governor Murray's action in this regard. As a matter of course, Cannon is a well-known pillar of the Mormon Church and Mr. Campbell is a Gentile. But Governor Murray did not base his refusal of the certificate of election to Mr. Cannon on the ground of his Mormonism or alleged polygamy, but on the ground of his ineligibility to the office, and he did not grant the certificate to Mr. Campbell on the ground of his being a Gentile, but because in his view of all the candidates eligible for the office he received the greatest number of votes. The Governor held that those who voted for Cannon threw away their votes.

The question at issue is simply this: Had Governor Murray the power to pass upon the qualifications of a Delegate in Congress? If he has, then he was right in refusing Mr. Cannon the certificate if he felt satisfied that Cannon was not a citizen of the United States, though the fact that the House of Representatives had decided the question against the position claimed by Cannon's opponents would have warned an officer to be cautious.

The statute declares that "every Territory shall have the right to send a Delegate to the House of Representatives of the United States to serve during each Congress, who shall be elected by the voters in the Territory qualified to elect members of the legislative assembly thereof. The person having the greatest number of votes shall be declared by the Governor duly elected and a certificate shall be given accordingly." Does this statute make the Governor a returning board and give him power to declare a person elected who has not received the greatest number of votes? It would be difficult to find authority for such proceeding outside of an unequivocal statute. It might well be that the Governor might think that he had no power to issue a certificate of election to an alien, but a refusal of a certificate to Cannon would not warrant the granting of a certificate to Campbell. Campbell did not receive the greatest number of votes and hence the Governor could not declare him duly elected and give him the certificate accordingly as directed by the statute. But beyond all this, it is very doubtful if the Governor had any power under the statute but to issue the certificate to the person receiving the greatest number of votes and leave the House of representatives to decide the question as to his qualifications."

The National Republican published at Washington, D. C., entitles the action of Governor Murray "A Mistake," and says, in its issue of January 11:

"Governor Murray of Utah, has strangely mistaken his powers in refusing a certificate of election to Delegate Cannon, who received nearly all the votes cast at the election in that Territory. He has made a still graver mistake in giving a certificate to the gentleman who received a small fraction of the votes cast at that election. He has not certified the result of the election. Mr. Campbell never was elected. The votes cast for Mr. Cannon were votes, whether he was eligible or not.

The qualification, election, and return of a member of either branch of Congress are to be judged of by the body to which the member presents himself for admission. The certificate of election is a declaration that the person therein named received the highest number of votes. The adventures of Mr. Cronin, of Oregon, who was declared elected by the Governor of that State because the man who defeated him was supposed by the Governor to be ineligible, are still fresh in the memory of all. The Governor's action did not meet very general approval. The beaten man, not elected because his antagonist, who received more votes, was ineligible. And Mr. Campbell could not have been elected by the few votes cast for him even if Mr. Cannon could be shown to be ineligible. But how came a Governor to decide as to the qualifications

of Mr. Cannon? That is work for the House of Representatives. It is unfortunate that any Republican executive should have so mistaken his duty in a matter concerning which our party has often had reason to complain of its antagonist.

If Delegate Cannon is not a citizen of the United States he ought not to sit in Congress. But he was elected, and ought to have been so certified. The action of Governor Murray had nothing to do with the Mormon question. He withheld the certificate from Cannon solely because that individual was not, as he believed, properly naturalized."

The veracious (?) press dispatcher in this city informed the eastern papers that,

"The order came to Governor Murray from a higher power than ever Washington was, 'Issue certificates to none but Americans in Utah,' and he could not disobey."

In reference to this assertion the Washington correspondent of the Chicago Journal sent the subjoined dispatch to that paper:

"Delegate Cannon says, in regard to Murray's action in withholding from him his certificate, that he has no apprehension of the issue in the House. In view of the statement contained in press dispatches from Salt Lake, that somebody higher in authority was behind Murray in this matter, Cannon says he felt it his duty to go and see the President. The latter said he knew nothing about Murray's action, and that all he had said about the Mormon question was in a public way. Without condemning the Governor's action, the President said that Murray had undoubtedly exceeded his authority. Cannon is confident that the House will not sustain Murray in his course."

The Governor admitted in his decision that his action was "not final," and we think that before the case is finished, he and those who were with him in the conspiracy will find that to be the most truthful part of the document, and will wish that this high-handed outrage had never had a beginning. Just wait patiently and see.

OUR ENLARGED SEMI-WEEKLY.

FOR some time past the Semi-Weekly edition of the DESERET NEWS has been growing in public favor, and its subscription list has been gradually increasing. Since the opening of the new year this increase has been remarkable, extending far beyond our anticipations. We are, in consequence, able to make a change which we believe will meet with the approval of our patrons. The first number of Volume XVI was issued on Tuesday, January 25th, the Deseret News Company having decided to commence the volume in an enlarged form.

THE DESERET NEWS SEMI-WEEKLY will therefore, after this date, be a thirty-six column paper—the largest semi-weekly in the whole region of the Rocky Mountains. It will contain all the news published in our daily issue, with the exception of a few local items of no special interest to people in the country, the telegraphic dispatches, home news, correspondence local and foreign, reports of conferences, sermons preached by the First Presidency, Apostles and Elders, editorials on current topics, selected articles of interest to the general reader, and other items instructive and entertaining, all tending to make up a family newspaper of special value to the Latter-day Saints, and to make suitable reading for all people who love truth and wish to know what is going on in the world.

We can confidently recommend the semi-weekly edition of the DESERET NEWS to every person not reached by a daily mail, as the best, cheapest and most reliable paper claiming their attention. It will keep them posted on the movements and teachings of the Church, explain things not generally understood that ought to be known by all, expound true doctrine, expose error, defend the rights of the people, maintain civil and religious liberty, and support everything that tends to ennoble and exalt mankind in time and eternity.

The price of the enlarged Semi-Weekly will be the same as for the last volume—Four Dollars a year, Two Dollars for six months, One Dollar per quarter, postage free. Pre-payment required in every instance. Those desiring to subscribe and commence with the