with him and in conversation with many other leading men, and from observation that I had the opportunity of making at a public festival and at other public gatherings and assemblies which I witnessed while there, I was thoroughly satisfied that the women as a whole were as strongly attached to the institution as were the Mormon men, and I believe such to be their opinion to-day. I believe that if the Mormon women vote for sustaining that institution, they do so as a rule as freely as do the Mormon men. So upon the question of fact I should need a great deal of evidence to satisfy me that the position of the honorable Senator is correct.

But assuming that he is correct in that regard, and that his object is to place the control of the Territory in the hands of those who are opposed to polygamy—for that, after all, is the only practical reason that can be urged in this strange and otherwise violent and tyrannical legislation; nothing but the good purpose involved can possibly justify it—it is a question whether the best purpose, that is the destruction of polygamy, the destruction of the Mormon system, can justify a violation of the constitutional principles that have been the result of the toil and development and struggle of six thousand years. Assuming that the purpose, itself a worthy purpose may be attained by the means which are brought into use in this section of this bill and other provisions of the bill which certainly seem to me to be very severe and violent and only to be justified by stress of the most important circumstances—assuming that, however, to be so, does the Senator attain his end?

Is it not a matter of common notoriety that the Territory of Utah is in the hands of the Mormons at least four to one, and in the hands of Mormon women also? Of what avail is it to strike at the suffrage in the hands of Mormon women even if they do vote unintelligently or as slaves, casting the ballots of their masters and husbands? If you disfranchise these women there are four Mormons to every Gentile to vote for the system, not four polygamists it may be, but four who entertain this same Mormon opinion, and who have the right to vote, and if every male polygamist in Utah was convicted of the crime as contemplated in the law of the last session, and if therefore he was deprived of the right to vote legally and judicially as a part of the sentence to be affixed to conviction, there would be at least three Mormons remaining who are not in the practice of polygamy to retain by their voting in their own hands the sovereignty of that Territory; for from all the undisputed evidence I have ever heard from any source there are at least three, if not four, unmarried male polygamists in that Territory who upon the provisions of all the bills suggested will still have the right to vote and who will control the Territory at the ballot-box.

So then this bill goes far short of any remedy for the evil there, and there is no necessity whatever of this continuous violation of our constitutional ideas and our constitutional rights. This other provision here, which commences by placing a witness under arrest before the ordinary means have been put in motion to secure his attendance, before there is any contempt of court, seems harsh. There is no necessity, I say, of adopting these violent measures, unless you go a great deal further than the Senator from Vermont feels justified in doing and deprive the unmarried Mormon male polygamist of the right of suffrage. Nobody proposes to do that, and the bill will be an utter failure for that reason, and we shall find ourselves precisely where we were in the commencement.

Mr. President, there are other reasons, strong, general reasons, that I could state why I am opposed to this principle of the deprivation of any human being who has it of the right of suffrage. I do not believe the remedy for this evil lies in that direction, and the proposed remedy I had almost said is worse than the evil itself.

The Presiding Officer. The question is on the amendment of the Senator from Massachusetts [Mr. Hoar].

Mr. Edmunds. I am satisfied that as the Senate is very thin and I should like a full vote on this question, it is better to now adjourn. I move ——

Mr. Blair. If you are going to move an adjournment, I wish to offer an amendment.

Mr. Edmunds. Very well.

Mr. Blair. I wish to offer an amendment to this section, that it may be printed.

The Presiding Officer. The Senator will send his amendment to the desk.

Mr. Blair. I wish to read it first. I propose to amend the seventh section by striking out the word "female" wherever it occurs, and inserting the word "person;" also after the word "whatever," in the fourth line, to insert:

Provided. That such person shall have been tried and convicted of the crime of bigamy or of polygamy according to the law.

And also to insert the word "such" between "by" and "female," in the seventh line.

Mr. Edmunds. Now, Mr. President, I move that the Senate adjourn until 11 o'clock to-morrow.

The motion was agreed to, and (at 6 minutes past 6 p. m.) the Senate adjourned.

SPEECH OF HON. W. CALL.

OF FLORIDA, IN THE SENATE OF THE UNITED STATES, FRIDAY, FEBRUARY 23D, 1883.

On the bill (S.2238) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy and for other purposes." approved March 22, 1882.

Mr. Call said:

Mr. President: If this bill were an enactment in plain and direct terms that the Constitution of the United States was false; that the system of popular government was a failure and a delusion; that there were no restraints of power contained in it, no protection to individual rights, it would be no more clear and palpable a subversion not only of the principles of the Constitution and of its plain and direct affirmation but also of the personal rights of every man, woman, and child in this country.

But that is not all, sir; it is a plain and flagrant insult to Christianity, to the ministers of the Christian religion, to the spirit of the Christian faith, and to the example of the great founders of the Christian religion. What of argument, what of reason, can there be for the proposition that whatever each coming Congress shall see fit to declare as to what religion is, as to what men shall believe, shall constitute the law of the time and for the people? What is there in the Constitution of the United States in regard to marriage, polygamy, or monogamy to authorize Congress to declare what shall be the domestic relations of the people of the several Territories? I recognize as firmly as any one the principles of our civilization and our social order which establishes monogamy or marriage to one woman and protects it with the force of law and with its prohibitory sanctions.

I desire to surround this relation with all the restraints and protection of just and humane laws, and to encourage its proper observance and the growth of the higher and better character in both men and women which grows out of it, but that is not the question presented by this bill of pains and penalties.

No reason can be given even by the distinguished author of this bill for a proposition that the Congress of the United States has authority, exclusive and absolute, without limitation in regard to the subject of marriage or in regard to the personal liberty of citizens of the United States in the Territories. Is it simply because the language of the Constitution affirms that the Congress of the United States shall have exclusive power to legislate in the District of Columbia and in the places ceded by the several States? What connection is there between that proposition and the exercise of unlimited authority? Can this kind of power co-exist with the prohibition of any power on the part of Congress to interfere with the personal liberty, the personal rights of a citizen except by judicial trial? Is it not plain and apparent that this is a government founded upon the principles of the capacity of a majority of the people in the different political communities that constitute it to control and govern themselves, to make their own laws? Who can deny that this is the foundation and the very essence of the principle of all our political institutions—the capacity of a majority of the people not disfranchised by that majority for crime or inability to exercise the suffrage? Who can deny that the very principle and life of our Constitution, our national and our State governments, is the capacity of a majority of the people in the different localities to prescribe laws for themselves on the subject of their domestic relations— laws upon the subject of the free exercise of their opinions? Here is a proposition to deny to the people the right of self-government, plain and unquestionable, and to assert that the majority of the people of a particular Territory or locality shall be governed by a minority. Why? Because the opinions of the majority are said to be contrary to our views of religion and our views of right.

Mr. President, I desire to submit a few observations upon this subject. The Senator from Vermont affirmed the other day that the Utah women are in a condition of servitude. That was the remark of the honorable Senator. Therefore the Senator from Vermont asks—what? That they be deprived of the power to make themselves free. The majority, a large majority of a particular community, the women of that community, it is said, are in a state of servitude, and therefore, in order to make them free, he deprives them of the power to make themselves free; he takes away from them the power to emancipate themselves by the control of the law of that Territory from that condition of servitude. Sir, what kind of reason is there in a proposition of this kind? The women of Utah are in a state of servitude, and therefore you shall take away from them the right to say whether or not they shall leave that condition of servitude, and deprive them of all political power. The majority of the people of Utah entertain religious opinions condemned by us and our Christian civilization and our social system, and therefore they are exempted from the principle of local self-government and must be deprived of personal liberty, of judicial trial, and of political power and all rights and immunities.

The Senator from Vermont makes a new definition of servitude and freedom, and says the women of Utah are in a condition of voluntary servitude (note the words "voluntary servitude"), and therefore he proposes by law to put them into a condition of—what? Of involuntary freedom from their own will by subjugating them to his and our opinions, and to new and strange and prohibited instrumentalities and agencies of government. Sir, it is obvious there is no reason in this, that this is a contradiction not only in terms but of reason itself. The Senator from Vermont proposes to make a matter of opinion on the subject of the right or wrong of having one wife or more than one a condition for the exercise of the suffrage. The argument of the Senator from Vermont clearly affirms that if Congress chooses, they have the power to require a man to have a dozen wives and to make this a condition of exercising the suffrage, or they may prescribe by law absolute celibacy to both men and women in the Territory and make this a condition of exercising the suffrage.

Why not, Mr. President? Neither the Senator from Vermont nor any other Senator can deny with reason that if Congress has the power in its will and discretion to say that opinions on the subject of having two or three or more wives as a condition of suffrage is practicable and within its power, that it has also of necessity by the same omnipotent discretion the right to say that a man shall not vote unless he has a dozen wives, and the unlimited and unrestrained discretion of Congress is the sole law and guide of its power. There is a method for the exercise of reason and certain processes of thought which reach conclusions.

Mr. President, principles have some relation to facts and we are not left to mere arbitrary assertion of the government of our opinions. The law which the Senator from Vermont proposes to make rests on the proposition that Congress has the right to give the people of the Territories the right to vote or to withhold it—to prescribe conditions and qualifications for the exercise of the right of suffrage in their discretion. If this is true then it results that they may impose any conditions they please. Let us see if it is true.

Can Congress say by law that no man or woman shall have the right to vote unless they are living in a state of polygamy with a dozen wives or husbands? If not, why? The right to impose conditions on the suffrage in the Territories is unlimited and subject only to the discretion of Congress. If there is no constitutional limitation on the power of Congress then they may do this or anything else they please. But is there any foundation in principle for this idea that Congress may exercise power in the Territories for purposes or by methods not authorized by the Constitution? Can Congress provide that men or women may be deprived of their lives, liberty, or property without a hearing and trial before a judicial tribunal?

Can Congress provide by law that men and women may be convicted on false and suborned testimony, and without a trial by jury, and if not, why?

The reason is because of the very manifest proposition that all the powers granted in the Constitution, wherever exercised and however exercised, must be exercised subject to the limitations and for the purposes prescribed, and in the spirit of the purposes of the Constitution. Now, what provision of the Constitution is it that gives Congress the power to require the men and women of a Territory to live in a polygamous condition if they do not choose to do so? The proposition of the Senator from Vermont, and of this bill, is that whenever a majority of Congress see fit to do so, they may pass a law requiring the people of this country, against their consciences, to live in a state of polygamy in the different Territories. That is the test of the proposition. Who would dare to propose such a law? What provision in the Constitution or what part of its letter or its spirit is it which asserts that the collective will and intelligence of the people of any State or locality, as expressed by a majority not disqualified from ignorance or non-residence, or legal incapacity or crime, is incapable of directing of controlling its affairs?

What part of the Constitution of the United States is it that affirms the incapacity of a majority of the people of any locality, whether State or Territory, to direct and control their own affairs? There is no such power and no such principle. The Government of the United States by the Constitution is a government of States, with sole and exclusive power over the domestic relations of their people, and a national government, with power over their foreign affairs and the relations of the States with each other and their foreign and interstate commerce.

Mr. Logan. Will the Senator allow me to make a suggestion to him right there?

Mr. Call. Certainly I will, with a great deal of pleasure.

Mr. Logan. I should like merely to make a suggestion in the line of the Senator's argument. He says that if Congress has power to declare that persons shall not vote in Utah because of bigamy, Congress has also the power to declare that those only shall have a right to vote who have ten wives. Suppose Congress disfranchises a man for murder and says he shall not vote because he has committed murder, will the reverse of that be true, and does the Senator hold that Congress could pass a law providing that no man should vote unless he committed ten murders?

Mr. Call. Let the Senator answer my argument; that is no answer. If the Congress of the United States has the absolute power to say that a man shall not vote unless he commits murder, it has the power to say that he shall not vote unless he commits ten murders. If the power is absolute it is not governed by moral or political considerations, nor by right nor wrong. The suggestion of the Senator from Illinois does not deny or qualify the principles which I have stated. This is a matter of political principle under our civil polity, and of argument and reason based thereon, and not of prejudice or opinion, or the moral or religious propriety of monogamy or marriage under our social system.

So I say, Mr. President, it is a manifest proposition that if the Congress of the United States has unrestrained power to prescribe that polygamous relations, or having two or more wives, and opinions upon that subject shall deprive a man of the right to vote, it has the right to prescribe that he shall have polygamous relations as a condition of political enfranchisement if it chooses.

Mr. Logan. If the Senator will allow me——

Mr. Call. Certainly.

Mr. Logan. He made some reference to ignorance. I do not claim any greatness myself.

Mr. Call. It does not matter what we claim.

Mr. Logan. I shall not question the ability of the Senator, but should like to put this proposition to him——

Mr. Call. Neither of us are very great; but we are talking now about propositions——

Mr. Logan. It is a proposition that I want to talk about. The Senator says that we have got the same right to pass a law requiring persons to commit a crime, as we have to pass a law requiring them not to commit a crime. I should like him to show me what principle there is in that science of government, in law, or the principle upon which constitutions are based, or any rule of civil conduct, which will justify him in saying that any legislative department has a right to pass a law requiring people to commit crime. I should like him to show me upon what principle or theory any government or legislative body has that power given to it.

Mr. Call. The Senator from Illinois is a very distinguished man, very able and forcible on many subjects; but I knew when he spoke that he had not understood and did not perceive the true relations of this question; and now I will endeavor to show him why we all ought to learn sometimes, and even the most ignorant of us can teach the most learned something. The reason why is this: It is because this is not a question of morals, not a question of the Decalogue which says "thou shalt not murder." It is a question of constitutional power. It is a question whether the Congress of the United States has the right to say you shall have two wives or three wives, or only one wife, because the Constitution does not give the power, and because your system of government is that the States shall have the right to say whether a man shall have the right to have one or two or three wives, and shall have the right to say whether he shall or shall not commit murder, as the condition or qualification for exercising the suffrage; but the States and the Federal government alike are prohibited from attaching the consequences of crime to a man either by punishment or indirectly by depriving him of an immunity or privilege, without a conviction. Therefore it is that the difference between the moral and the political law constitutes the reason. The moral law deals with the right and wrong in human conduct; it prohibits one and commands the other. The political law deals with powers of Government, and makes these powers either absolute or limited, and does not restrain them by the moral law, but by limitations of the powers themselves.

Mr. Maxey. I should like to ask the Senator from Florida a question.

Mr. Call. I yield, certainly.

Mr. Maxey. Does the Senator say that the Congress of the United States, which has exclusive jurisdiction over the District of Columbia, has not a right to pass laws against burglary, fornication, bigamy, or any other crime recognized as a crime against public decency?

Mr. Call. Oh, no.

Mr. Maxey. If it has that right in the District of Columbia, where is the dividing line between the power of Congress over this District and over any Territory that belongs to the United States?

Mr. Call. This is not a question of the punishment of crime. If this bill proposed to declare that polygamy in the Territory of Utah should be crime, and, upon indictment and trial and conviction, that there should be a punishment attached, I should have nothing to say; but this bill proposes to disfranchise a whole people. Why? Because it says they entertain opinions different from those which the Senator from Vermont and the Senator from Texas entertain upon the subject of polygamy, without trial, without conviction, without hearing, and without evidence?

This bill proposes to disfranchise a whole people and deny them the right of self-government on the ground that they are guilty of criminal practices, and have laws on the subject of their domestic relations which we do not approve.

If Congress were to declare by law that the people of the District of Columbia should be denied self-government because Congress did not approve of their religious opinions and practices and regarded them as immoral and irreligious and detrimental, it would be a case somewhat in point but still distinguished from this by the fact that Congress by the Constitution is made the exclusive legislative power of the District.

Mr. Maxey. I would ask the Senator if the Congress of the United