

years last past, and within the Territory of Utah for more than one year last past, and that each of the applicants is a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same. These facts not having been disputed would entitle each of the applicants to be admitted to citizenship but for the further fact that each of the applicants has stated under oath that he is a member in good standing of the Church of Jesus Christ of Latter-day Saints, commonly called and known as the Mormon Church.

A little over one year ago, while sitting in the Third District Court, at Salt Lake City, John E. Moore and others made application to be admitted to citizenship. Objection was made because they were members of the Mormon Church, which, it was claimed by the objectors, was a treasonable organization, and a very elaborate and extended hearing was had as to whether the fact of membership in that organization should debar the applicant from citizenship. As a result of that investigation the court held that those applicants were not entitled to become citizens. The evidence in that hearing established that the Mormon Church required that its members on receiving their endowments in the endowment house should take an oath that they would avenge the blood of the Prophets, Joseph and Hyrum Smith, upon the government and people of the United States, and that they would enjoin this obligation upon their descendants until the third and fourth generation; and that they would obey the Priesthood of the Church in all things, temporal as well as spiritual. It was shown also by the evidence, which, however, was also a matter of general knowledge, that the Church had systematically, and with all the power and resources at its command, opposed all the laws passed by Congress against polygamy and other kindred offenses down to that time, and that opposition consisted of everything that was possible except open warfare against the government. If a member of the church was convicted of any of the offenses named in the anti-polygamy laws and sentenced to prison, it was a common practice for the other members to give him a banquet before starting to prison and a reception on his return. Under instructions from leaders of the Church these convicted of polygamous offenses almost invariably refused to promise to obey the laws of the United States, even when the court would offer to suspend sentence or impose a light punishment if they would make such promise; and this, too, when the Mormon leaders were proclaiming, as at present, that they teach their followers obedience to the law. It was also found that a "Church fund" had been raised for a number of years for the purpose of aiding those who violated the laws to escape punishment, and this is now practiced, and whenever a member of the Church is indicted in this

or any other court of the Territory for a violation of the anti-polygamy laws, he is defended by attorneys employed and paid by the Church. It was further shown at that hearing that there was a system of courts within the Church for the determination of controversies between the members which assumed to exercise judicial functions even to the extent of rendering money judgments and annulling or modifying judgments rendered by the civil courts.

It was held in that case that an alien who came to this country and joins this church—an organization whose whole history was one of opposition to the enforcement of the laws of Congress and of defiance of the government, was not a fit person to be made a citizen of the United States, and the applications were denied. This rule was followed by the courts of the Territory down to within the last month or six weeks. On the 24th day of September last, Wilford Woodruff, president of the Church, issued a manifesto in which he denied there had been any polygamous marriages celebrated in this Territory as had been reported by the Utah commission, and denied that he or the teachers or elders of the Church were teaching polygamy or encouraging members of the Church to contract polygamous marriages, and stated that his advice to the Latter-day Saints was to refrain from contracting any marriages forbidden by the law of the land.

Upon the strength of this manifesto I am advised that the courts in the First and Third districts of this Territory have, since it was issued, admitted members of the Mormon Church to citizenship. I regret very much that upon a careful study of this manifesto I cannot agree with this holding of those courts. I am unable to see that it removes the grounds of the objection which for the past year have been deemed sufficient to exclude alien members of this Church from citizenship. The manifesto only advises the members not to contract in the future any marriages forbidden by the law of the land. It does not even advise those members who are now living in polygamy to stop their polygamous practices and live within the law. It announces no change in the doctrine or belief of the Church as to the rightfulness of polygamy, nor does it advise or order the discontinuance of the disloyal oaths administered in the endowment house.

By Barlow Ferguson—Your honor, does not the ratification in the conference say that they will obey the laws of the land?

By Court—No, the ratification could not extend any further than the thing ratified. It was simply a vote in the conference by a large assembly of the members endorsing the manifesto. But even in endorsing the manifesto, Mr. George Q. Cannon, one of the great leaders of the Church, and the principal spokesman on that occasion, was reported in the public press as saying in his address, in substance, that "while he endorsed it himself under the circumstances, yet he referred

to the fact that some of the members who had not lived in polygamy would rejoice that the manifesto had been issued; while others who had lived up to their belief would have a feeling of sorrow; and that for his part he thought the conduct of those who had lived up to their faith was more to be commended than those who had not; or, in other words, those who had violated the law as he himself had done were more to be commended than those who had obeyed it.

By Mr. Ferguson—Only one or two of these applicants stated that they had gone through the endowment house.

By Court—Yes, and some of them testified that they did not believe in polygamy, and others—one or two—said they did; but that they had not practiced it and did not intend to.

By Mr. Ferguson—Do you think those who have not been through the endowment house should be refused their naturalization?

Court—I think that a man who belongs to a church that requires him to take an oath of hostility to the government of which he seeks to become a citizen, although he has not yet taken the oath, stands on the same footing as those who have. He ought to give up his church membership, for his attempt to obtain the privileges of citizenship, as the evidence taken in the cases referred to in Salt Lake showed that one is incompatible with the other. I have no doubt there are many members of the Mormon Church who, if they could be free from the restraints which the Church places around them, would give expression to a feeling of loyalty to the government; but outside of a few places in the Territory, where the non-Mormon element is strong, they cannot afford to do anything not sanctioned by the Church.

The so-called manifesto is very artfully worded. The members are advised "to refrain from contracting any marriages forbidden by the law of the land." The only "law of the land" forbidding polygamous marriages in this Territory is in the acts of Congress. If Utah should become a State, these acts of Congress would no longer be in force here and polygamous marriage would not be contrary to the law of the land, as far as Utah is concerned, unless the Latter-day Saints should pass such a law, which their past history shows they would not likely do; and then the advice of Wilford Woodruff against polygamous marriage would no longer apply. I think this manifesto bears on its face conclusive evidence that it was only intended to serve a temporary purpose. Wilford Woodruff and other leaders of the Church, as well as the more humble members, have in the past shown a persistence in disobeying the laws and in defying the government unparalleled in this country. Brigham Young lived and died a most flagrant violator of the laws of this country. His successor, John Taylor, died while under indictment for a violation of the laws