

REPORT OF THE DISFRANCHISEMENT BILL.

FOR purposes of history we here preserve the following material in relation to the Struble bill, now pending in Congress, the object of which is to disfranchise the Latter-day Saints. We do this that it may be known, in the days when confusion shall sweep over our now fair and prosperous country, what were the names and personality of the men whose wicked conspiracies bore fruit so disastrous.

Following is the report proper of the House Committee on Territories, on the bill:

Mr. Struble, from the Committee on Territories, submitted the following report:

(To accompany H. R. 9265.)

The Committee on Territories, having under consideration House bill No. 9265, amending 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," respectfully report the same back to the House and recommend its passage.

The act of March 3, 1887, amending section 5352 of the Revised Statutes of the United States, commonly known as the "Edmunds-Tucker" act, provided that an oath should be taken as a condition precedent to the right to vote or hold office in Utah Territory. In accordance with the law, the Utah Commission prepared the following form of oath to be taken by intending voters, viz.:

"I,, being duly sworn (or affirmed), depose and say that I am over twenty-one years of age; that I have resided in the Territory of Utah for six months last past, and this precinct for one month immediately preceding the date hereof; that I am a native-born or naturalized (as the case may be) citizen of the United States; that my full name is, that I am years of age; that my place of business is; that I am a (single or) married man, that the name of my lawful wife is; and that I will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,' and that I will also obey the act of Congress of March 3, 1887, entitled 'An act 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,' in respect of the crimes in said act defined and forbidden, and that I will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes defined by acts of Congress as polygamy, bigamy, unlawful cohabitation, incest, adultery and fornication."

By referring to the law it will be seen that it was the intention of Congress to bind the voter to an observance of the laws passed for the suppression of polygamy. At the time the law was enacted the opinion was entertained by many persons that no Mormon would take such an oath without having formed a clear intention to obey it, and doubtless this opinion had a controlling effect in the passage of the law.

The People's Party (Mormon) issued an address to the voters with respect to the oath, its effect, meaning, etc., using the following language:

The questions that intending voters need, therefore, ask themselves are these: Are

we guilty of the crimes in said act; or, have we the present intention of committing these crimes, or of aiding, abetting, causing, or advising any other person to commit them? Male citizens who can answer these questions in the negative can qualify under the existing laws as voters and office holders.

Probably no language could have been used more misleading than the above. The very purpose of Congress in passing the law, and the plain letter of the law, contemplates that thereafter the voters and office holders of Utah Territory should give the laws for the suppression of polygamy a firm and loyal support; yet the Mormon voters were instructed by their leaders that unless at the time of registration they then and there had a present intention to violate said law they were eligible for registration under it and qualified to take the prescribed oath. It cannot be successfully denied that it was the purpose and intention of the law that those who should register, hold offices, or act as jurors under it should have a formed purpose to thereafter obey its requirements. But the results of the registration under the advice given by the Mormon leaders rendered the law absolutely nugatory in accomplishing the purpose for which it was enacted. The fact is, that with respect to the purpose and intention of the Mormon voters concerning polygamy, the law has had no effect, and is today a dead letter. An extract from the report of the Utah Commission, for the year 1887, relating to this subject, marked exhibit "B," is hereto annexed. It will, therefore, be seen that additional legislation is necessary to give full force and effect to the existing laws. The bill reported by your committee will, in their opinion, meet the difficulty.

Similar provisions have been successfully enforced in the Territory of Idaho, and the Supreme Court of the United States has affirmed its validity, in the case of Davis vs. Beason, a copy of which opinion is hereto annexed, marked exhibit "A." No religious right is invaded, and no Constitutional objection can be urged to its passage. It will close the door to the evasions which have made the present laws inoperative, and will, in the opinion of your committee, be effectual in the extirpation of polygamy.

We also append extracts from the reports of the governors of Utah Territory for the years 1887, 1888, and 1889, and of the Utah Commission for the years 1887 and 1889, which fully explain the condition of affairs in the Territory.

Attached to the report are appendices A and B. The former is the opinion of the Supreme Court of the United States in the case of Samuel D. Davis vs. H. G. Beason, sheriff of Oneida County, Idaho Territory, appealed from the Third Judicial District of the Territory of Idaho, commonly known as the Idaho test oath case. A synopsis of this decision has heretofore been given in the NEWS, and it is not necessary to give it here. For historical purposes, however, it will be preserved entire in the DESERET WEEKLY.

Appendix B is comprised of extracts from reports rendered to the Interior Department by the Utah Commission and Governors West and Thomas. The account of the

registration and election of 1887, as given in the majority report that year of the Utah Commission, is reproduced, as is a portion of the majority report of the same body for 1889, which aims to convey the impression that the Church of Jesus Christ of Latter-day Saints is an organized conspiracy against the laws and institutions of the country. That portion of Governor West's report for 1887, which gives an account of the correspondence relative to the constitutional convention of 1887, which took place between John R. Winder, chairman of the People's Territorial Central Committee, and J. B. Rosborough, chairman of the Central Committee of the Democratic Party of Utah, the chairman and members of the Territorial Republican Committee, and J. L. Rawlins, chairman of the Democratic Club, is also reproduced. All this appeared in the NEWS at the time.

A lengthy extract from the report of Governor West, for the year 1888 is given. This report was published, we believe, by only one newspaper in the Territory, the chief "Liberal" organ. It was so full of misrepresentation and falsehood as to be appropriately suited to the columns of that sheet. In the portion quoted by the congressional committee is contained the statement that the charter of Z. C. M. I. provided, as a condition to become a stock holder, membership in the Church of Jesus Christ of Latter day Saints. The false and absurd character of this assertion was shown in these columns. A long extract from the report of Governor Thomas for 1889, the most important portions of which were given in the NEWS, closes Appendix B, and the aggregation of material presented by the committee in support of favorable action on the disfranchisement bill.

It would be a long and weary task to attempt to separate the small amount of truth contained in the conglomerate mass of falsehood, misrepresentation and absurdity with which a majority of the House Committee on Territories has sought to bolster up its report. It has ostensibly tried to show what sort of people the "Mormons" are, and in the effort has outraged the rules of right and logic which ought to govern in such a proceeding, by gathering information exclusively from their enemies.

The members of the Utah Commission who signed the majority reports quoted from by the congress-