

# DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

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CHARLES W. PENROSE, EDITOR.

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## UTAH AND THE MESSAGE.

WE surrender considerable of our space to-day to the Message of President Hayes to the Congress of the United States.

The President, in referring to the "Mormon" question exhibits great lack of correct information upon the subject. And his recommendations for the suppression of polygamy are evidently made without due consideration of their unconstitutional nature, and the difficulties which would attend the execution of such laws as he would have enacted. We do not think his suggestions will have any weight with Congress. To deprive an organized Territory of the United States of all semblance to a republican form of government, take away vested political rights which have been exercised under national authority and supervision for over thirty years, and deliver over a community of a hundred and fifty thousand people to the despotic power of three or four individuals of outside appointment and who would be the avowed enemies of the vast majority of their vassals, is a little too much to expect of a body of legislators in a "government of the people, by the people and for the people."

And as to depriving all who practice or support polygamy of the franchise, that cannot be legally done without legal conviction. The persons so disfranchised must first be proven to have committed the offence which is to be made the occasion of their loss of political rights, and this would simply leave the matter where it stands to-day.

President Hayes has evidently been misinformed, as well as betrayed into the recommendation of anti-republican and impracticable methods. The idea that the "Mormon" organization controls the grand and petit juries is, to say the least, remarkable. If the President had only read the Poland Bill he would have seen the egregious error into which he had fallen. One half the jury list is made up of non-Mormons and the whole machinery of the Courts is in the hands of the enemies to the "Mormon" system. More than that, by recent rulings of Federal Courts "Mormons" have been entirely rejected from sitting on juries when a case for polygamy is tried.

Another mistake is, that wherever "Mormonism" goes "it establishes polygamy and sectarian political power." The President has been misled by some of those same unscrupulous persons who have prevailed upon him to adopt their absurd ideas about a new form of "government" for Utah.

But the richest thing in the Utah portion of the message is, the statement that part of the public domain has been closed in a great degree to intelligent and virtuous immigrants by "Mormonism." Why, the class of persons sent here by our national government in times past—we do not refer to present officials—has been of the very worst kind of libertines and inebriates. There is no part of the United States as free from the vices that degrade humanity as Utah, and what evils of this character exist among us are permitted to flourish because of Federal fostering and protection. It is the intelligent and the virtuous alone who can continue adherents of the "Mormon" faith, and the greatest enemies we have are the unvirtuous and immoral.

We have not time to refer to other points in the Message this evening. The body of it is evidently the work of Secretary Evarts, whose peculiar style and long winded sentences, more remarkable for verbosity than lucidity, appear frequently in that part of the document which has been received:

So far as the recommendations concerning Utah are concerned, they need give no Latter-day Saint any uneasiness. They are too unpractical

and un-American for serious consideration by statesmen, and—the Lord rules in the earth beneath as well as in the heavens above.

## THE PRESIDENT'S MESSAGE.

*Fellow Citizens of the Senate and House of Representatives:*

I congratulate you on the continued and increasing prosperity of our country. By the favor of divine Providence we have been blessed during the past year with health, with abundant harvests, with profitable employment for all our people, and with contentment at home, and with peace and friendship with other nations. The occurrence of the twenty-fourth election of Chief Magistrate has given an opportunity to the people of the United States to exhibit to the world a significant example of the peaceful and safe transmission of power and authority of the government from the public servants whose terms of office are about to expire, to their newly chosen successors. This example cannot fail to impress profoundly thoughtful people of other countries with the advantages which republican institutions have offered. The immediate general and cheerful acquiescence of all good citizens in the result of the election gives a gratifying assurance to our country and to its friends throughout the world that a government based on the free consent of an intelligent and patriotic people possesses elements of strength, stability and permanency not found in any other form of government. Continued opposition to the full and free enjoyment of the

### RIGHTS OF CITIZENSHIP

conferred upon the colored people by the recent amendments to the Constitution, still prevails in several of the late slave-holding States. It has perhaps not been manifested in the recent election to a very large extent in acts of violence or intimidation. It has, however, by fraudulent practices in connection with the ballots, with the regulations as to the places and manner of voting and with counting, returning and canvassing the votes cast, been successful in defeating and nullifying the right of all rights, the right of suffrage, which the Constitution expressly confers on our enfranchised citizens. It is the desire of the good people of the whole country that sectionalism as a factor in our politics should disappear. They prefer that no section of the country should be united in solid opposition to any other section. The disposition to refuse a prompt and hearty obedience to the equal rights amendments to the Constitution is all that now stands in the way of a complete obliteration of sectional lines in our political contests. As long as these amendments are flagrantly violated or disregarded, it is safe to assume that the people who placed them in the Constitution as embodying the legitimate results of the war for the Union, and who believe them to be wise and necessary, will continue to act together, and to insist that they shall be obeyed. The paramount question still is as to the enjoyment of the rights by every American citizen who has the requisite qualifications, to freely cast his vote and to have it honestly counted. With this question rightly settled the country will be relieved of the contentions of the past. Bygones will indeed be bygones and political and party issues with respect to the economy and efficiency of the administration, internal improvement, the tariff, domestic taxation, education, finance, and other important subjects, will then receive their full share of attention; but a resistance to and nullification of the results of the war will unite together in ranks for their support all who maintain the authority of the Government and the perpetuity of the Union, and who adequately appreciate the value of the victory achieved. This determination proceeds from no hostile sentiment or feeling to any part of the people of our country or to any of their interests. The inviolability of the amendments rests upon the fundamental principles of our Government. They are therefore an expression of the will of the people of the United States. The sentiment that the constitutional rights of all our citizens must be maintained does not grow weaker. It will continue to control the Government of the country. Happily the history of the late elections shows

that in many parts of the country where opposition to the 15th amendment has heretofore prevailed, it is diminishing, and is likely to cease altogether if firm and well considered action is taken by Congress. I trust the House of Representatives and the Senate, which have the right to judge of the election returns and qualifications of their own members will see to it that every case of violation of the letter or spirit of the fifteenth amendment is thoroughly investigated, and that no benefit from such violation shall accrue to any person or party. It will be the duty of the Executive, with sufficient appropriations for the purpose, to prosecute unsparingly all who have been engaged in depriving citizens of the rights guaranteed to them by the Constitution. It is not, however, to be forgotten that the best and surest guarantee of the primary rights of citizenship is to be found in that capacity for self protection which can belong only to a people whose right to universal suffrage is supported by

### UNIVERSAL EDUCATION.

The means at the command of the local and State authorities are in many cases wholly inadequate to furnish free instruction to all who need it. This is especially true where before emancipation the education of the people was neglected or prevented in the interest of slavery. Firmly convinced that the subject of popular education deserves the earnest attention of the people of the whole country, and with a view to wise and comprehensive action by the government of the United States, I respectfully recommend that Congress, by suitable legislation and with proper safeguards, supplement the local educational funds in the several States where the grave duties and responsibilities of citizenship have been devolved on the people, by devoting to the purpose, grants of the public lands, and if necessary, by appropriations from the Treasury of the United States. Whatever the government can fairly do to promote free popular education ought to be done. Wherever general education is found, peace, virtue and social order prevail and civil and religious liberty are secure

### CIVIL SERVICE REFORM.

In my former annual messages I have asked the attention of the Congress to the urgent necessity of a reformation of the civil service system of the government. My views concerning the dangers of patronage or appointments for personal or partisan consideration have been strengthened by my observation and experience in the Executive office, and I believe these dangers threaten the stability of the government. Abuses so serious in their nature cannot be permanently tolerated. They tend to become more alarming with the enlargement of the administrative service, as the growth of the country in population increases the numbers of officers and places required. The reasons are imperative for the adoption of fixed rules for the regulation of appointments, promotion, pay and removals establishing a uniform method, having exclusively in every instance the attainment of the best qualifications for the position in question. Such a method, is alone consistent with the equal rights of all citizens and the most economical and efficient administration of the public business. Competitive examinations in aid of impartial appointments and promotion, have been conducted for some years past in several of the executive departments and by my direction this system has been adopted in the custom houses and postoffices of the larger cities of the country. In the city of New York over two thousand persons in the civil service have been subject on their appointments and tenure of place to the operation of published rules for the purpose. During the past two years the results of these practical trials have been very satisfactory and have confirmed my opinion in favor of this system of selection. All are subjected to the same tests and the result is free from prejudice by personal favor or partisan influence. It secures for the position applied for the best qualifications attainable among the competing applicants. It is an effectual protection from the pressure of importunity, which, under any other course, pursued largely, exacts the time and attention of the appointing officers to their great detriment in the discharge of other official duties, preventing the abuse of the service for

the mere furtherance of private or party purposes, and leaving the employee of the government, freed from the obligation imposed by patronage, to depend solely upon merit for retention and advancement, and with this constant incentive to exertion and improvement, invaluable results have been attained in a high degree in the offices where the rules for appointment by competitive examination have been applied. A method which has so approved itself by experimental tests at points where such tests may be fairly considered conclusive, should be extended to all the subordinate positions under the government. I believe a strong and growing public sentiment demands immediate measures for securing and enforcing the highest possible efficiency in the civil service, and its protection from recognized abuses, and that the experience referred to has demonstrated the feasibility of such measures. The examinations in the Custom Houses and Postoffices have been held under many embarrassments and without provision for compensation for the extra labor performed by the officers who have conducted them, and whose commendable interest in the public service has induced this devotion of time and labor without pecuniary reward. A continuance of these labors gratuitously ought not to be expected, and without appropriation by Congress for compensation it is not practicable to extend the system of examinations generally throughout the civil service. It is also highly important that all such examinations should be conducted upon a uniform system and under general supervision. Section 1753 of the Revised Statutes authorizes the President to prescribe for the regulations for admission to the civil service of the United States, and for this purpose to employ suitable persons to conduct the requisite inquiries with reference to "the fitness of each candidate, in respect to age, health, character, knowledge and ability for the branch of service into which he seeks to enter;" but the law is practically inoperative for want of requisite appropriation. I therefore recommend an appropriation of \$25,000 per annum to meet the expenses of a commission to be appointed by the President in accordance with the terms of this section, whose duty it shall be to devise a just, uniform and efficient system of competitive examination, and to supervise the application of the same throughout the entire civil service of the government. I am persuaded that the facilities which such a commission will afford for the testing of the fitness of those who apply for office will not only be as welcome a relief to members of Congress as it will be to the President, and heads of departments, but that it will also greatly tend to remove the causes of embarrassment which now inevitably attend the conflicting claims of patronage between the legislative and executive departments. The most effectual check upon the competition of influence and official favoritism in the bestowal of office will be the substitution of an open competition of merit between the applicants, in which every one can make his own record, with the assurance that his success will depend on this alone. I also recommend such legislation as, while leaving every officer free as any other citizen to express his political opinions and to use his means for their advancement, shall also enable him to feel as safe as any private citizen in the refusal of all demands upon his salary for political purposes. A law which should thus guarantee true liberty and justice to all who are engaged in the public service and likewise certain stringent provisions against the use of official authority to coerce the political action of private citizens or of official subordinates is greatly to be desired. The most serious obstacle, however, to an improvement of the civil service, and especially to reform in the method of appointment and removal has been found to be the practice under what is known as the spoils system, by which the appointing power has been so largely encroached upon by members of Congress. The first step in the reform of the civil service must be a complete divorce between Congress and the Executive in the matter of appointments. The corrupting doctrine that "To the victors belong the spoils," is inseparable from Congressional patronage, as the established rule and practice of the parties in power. It seems to be understood by applicants for office and by the people generally that re-

presentatives and senators are entitled to disburse the patronage of their respective districts and States. It is not necessary to recite at length the evil resulting from this invasion of the executive functions. The true principles of government on the subject of appointment to office, as stated in the national conventions of the leading parties of the country, have again and again been approved by the American people, and have never been called in question in any quarter. The authentic expressions of public opinion upon this question are the statement of the principles that belong to the constitutional structure of the government. Under the Constitution the President and heads of departments are to make nominations for office. The Senate is to advise and consent to the appointments, and the House of Representatives to endorse. The best interest of the public service demands that these distinctions be respected, that senators and representatives who may be judges and accusers should not dictate appointments to office. To this end the attention of the legislative department of the government is requested alike by the necessities of the case and by public demand. Members of Congress will not be relieved from the demands made upon them with reference to appointments to office until, by legislative enactment, the pernicious practice is condemned and forbidden. It is therefore recommended that an act be passed defining the relations of members of congress with respect to appointments to office by the President and I also recommend that the provisions of section 1767 of the revised statutes comprising the tenure of office act of March 2, 1867, be repealed. Believing that to reform the system and methods of the civil service in our country is one of the most imperative duties of statesmanship, and that it can be permanently done only by the co-operation of the legislative and executive departments of the government, I again recommend the whole subject to your consideration.

### UTAH AND POLYGAMY.

It is the duty and purpose of the people of the United States to suppress polygamy where it now exists in our territories and prevent its extension. Faithful and zealous efforts have been made by the United States authorities in Utah to enforce the law against it. Experience has shown that the legislation upon this subject to be effective requires extensive modification and amendments. The longer action is delayed the more difficult it will be to accomplish what is desired. Prompt and decided measures are necessary. The Mormon sectarian organization, which upholds polygamy, has the whole power of making and executing the local legislation of the Territory. By its control of the grand and petit juries, it possesses large influence over the administration of justice. Exercising, as the heads of this sect do, the local political power of the Territory they are able to make effectual their hostility to the law of Congress on the subject of polygamy, and in fact, to prevent its enforcement. Polygamy will not be abolished if the enforcement of the law depends on those who practice it and uphold the crime. It can only be suppressed by taking away the political power of the sect which encourages and sustains it. The power of Congress to enact suitable laws to protect the Territories is ample. It is not safe for half way measures. The political power of the Mormon sect is increasing. It controls now one of our wealthiest and most populous Territories. It is extending steadily into other Territories. Wherever it goes it establishes polygamy and sectarian political power. Its continued violation of the sanctity of marriage and the family relation is a disgrace to society and civilization. Religious liberty and separation of church and state are among the elementary ideas of free institutions. To the re-establishment of the interests and principles which polygamy and Mormonism have imperiled and fully reopen to intelligent and virtuous immigrants of all creeds that part of our domain which has been in a great degree closed to general immigration by the immoral institution, it is recommended that the government of the Territory of Utah be reorganized by enactment of Congress providing for a government for Utah by a governor and judges or commissioners appointed by the President and confirmed by the Senate, or a government analogous to the provisional govern-