

JUDGE ANDERSON'S DECISION.

The full text of the decision of Judge Thos. J. Anderson, in the cases of John Moore and other applicants for citizenship, will be found in this issue of the DESERET WEEKLY. The conclusions reached by His Honor will not greatly disappoint persons of either party who watched the proceedings in court, and noted the Judge's repeated rulings in favor of the objectors and the trend of his own interrogations and remarks during the course of the investigation.

The so-called "Liberals" will greatly rejoice at this obstruction to the naturalization of alien members of the People's Party. Their present exultation, however, is somewhat tempered by their very evident anticipation of the result from the beginning, the cause of which is not difficult to surmise. The people will see in this decision one more act of gross injustice toward them on account of their adherence to an unpopular religion, and another "Liberal" obstacle thrown in the path to a full and fair election.

At the risk of being considered "treasonable," in having the temerity to differ in opinion with a Federal official, we will briefly review some points in this peculiar judicial decision. Treason is clearly defined in the Constitution of the United States, and dissent from official views is not included in the definition. Yet men here who claim to represent the Government, or who have at any time represented it officially, seem to take the ground that anything uttered by a "Mormon" in criticism of the "servants of the people," is treasonable in its character and seditious in its spirit. All the "treason" that either Judge Anderson or the attorneys whose reasonings he appears to have adopted can charge against the "Mormon" Church, consists simply in the denunciation of the conduct of individuals charged with official duties under the Government. This is not in any sense "treasonable" unless the term has acquired a new significance.

Judge Anderson falls into several errors in his review of the testimony. He says that among the eleven witnesses for the objectors "several had held the position of Bishop in the Church." This was true of only one of these witnesses. In speaking of the garment worn by persons who

wrongly describes it and also states that "near the throat, and over the heart, and in the region of the abdomen are certain marks or designs intended to remind the wearer of the penalties that will be inflicted, etc." No such evidence was given, and it is not true. The marks are not as the Judge states, nor are those signs which exist made for any such object. Everybody who knows anything about the matter will recognize the error and so will any Mason who has seen the marks.

The Judge says in regard to the testimony of the witnesses for the applicant, that their refusal to state specifically what oaths, obligations or covenants are taken or entered into in these ceremonies renders the testimony of but little value, and tends to confirm rather than contradict the evidence on this point offered by the objectors. Is this fair and conformable to the rules relating to evidence? We think not. The Judge in the opening of the investigation declared emphatically that it should go no farther than to determine whether there was anything in the endowment in the nature of an oath against the Government of the United States. (How well he kept his promise the report of the proceedings shows). These witnesses swore there was not and that there was no mention of or allusion to the Government of the United States. In this they were corroborated by all the reputable witnesses for the objectors. There was positively no proof offered to the contrary. The evident fabricators of too willing supporters of the objecting attorneys, or inferences drawn from half forgotten reminiscences, were entirely swamped by the positive testimony on both sides that no such obligation was taken. As to an oath, it was shown that no oath of any kind is administered in these ceremonies.

Now, then, suppose a case: If a Mason were placed on the stand and asked, "Is there anything in the Masonic rites which is hostile to the Government of the United States?" He would answer in the negative. If then questioned in regard to obligations which he had agreed to keep secret, he would reply, "I decline to answer." And if he were true to his agreements he would suffer imprisonment, and even greater penalties, rather than reveal his secret covenants. The "Mormon" witnesses were on similar ground. Would it then be fair to infer, because a Mason would refuse to "state specifically what oaths, obligations

or covenants are taken" in Masonic ceremonies, that his objection would tend to confirm any vicious accusation that might be made against him?

The Judge says: "The evidence establishes beyond any reasonable doubt" that the endowment ceremonies "are incompatible with the obligations and duties of citizens of the United States. We say the evidence establishes nothing of the kind nor even any approach to it. The Judge has not cited any evidence which goes to establish that conclusion. The preponderance of evidence actually establishes the contrary. The witnesses for the objectors mainly corroborated the testimony for the applicants on this pivotal point. And as a matter of fact, we know and every man and woman who has received the endowment knows that there is nothing of that character in the ceremony, but on the contrary, every covenant taken therein and every instruction imparted, is calculated to make the recipients better citizens and better members of society in every sense of the terms.

In denying the application of the men seeking citizenship on the ground that they had gone through the endowment ceremonies, Judge Anderson, in our opinion, goes directly against the testimony, and in his written decision has not offered any solid ground to support his position. In the case of the applicants who have not received their endowments he is, if possible, on still more untenable soil.

Take all the picked and partial extracts he has presented from old sermons, and the paragraphs selected without giving the explanatory context, and what do they amount to? Simply that over half a century ago, under circumstances not related by the Judge, the Prophet Joseph Smith received revelations to individuals as to the disposition of their property, they having sought for this divide direction as men did in times of old as related in the Bible. That in Nauvoo over forty-five years ago a building was erected under church auspices for the comfort of visiting strangers and a revelation was received in relation to it. That in Bishop's courts Church members have been tried ecclesiastically for unchristianlike conduct in their business relations with their brethren. That Elders have preached the doctrine that this Church is the Kingdom of God, not fully established and with no king