

SPEECH

Of Hon. James W. Nye, of Nevada, on the Utah Bill, in the Senate, Feb. 26, 1873.

The object I suppose in all this legislation is to stop polygamous intercourse in the Territory of Utah. For twelve years I have lived a neighbor to Utah. The State that I have the honor in part to represent only for a day or two more was taken from this Territory of Utah and made into a Territory by itself. My intercourse with the people of Utah and my acquaintance with their peculiar institution have therefore been quite intimate. There was a schism upon this question when I first went to Nevada. It has remained ever since, and will until these people abandon the polygamous part of their faith. For the last seven years every year I have listened to long and earnest petitions and remonstrances as to what it was best to do for Utah. I join with everybody in an honest and earnest desire that the institution of polygamy should be stopped, and when I say that I am not unmindful, as I cast my eye over the history of the past, of the tenacity with which from the organization of society and the organization of churches, devotees adhere to their views even amid the darkest adversity that has ever been witnessed. Being a Roundhead, a direct descendant from the Roundheads, I sympathize with that earnestness and with that tenacity with which all denominations can sympathize, and all Christian associations have suffered trial.

There is something, I do not know what it is, in the human heart, there is something in humanity itself, that causes the tenacity with which men adhere to religious opinions, and to me it is wonderful and unaccountable. I have observed this with the Mormons. I think that their basis is unsolid and wrong; but yet when I see honest men tell me that they know their faith is so and so, that they received such and such revelations from that mysterious source that the world has inquired in vain to know its origin, the older I grow the more charitable I am in my conclusions.

They think they are right. I think they are wrong. Now, the question comes, how is this to be remedied? All the Gentile world, taking the Mormon appellation, the outsiders from Mormonism, say that this must be broken down and the whole power of the Government exerted for its destruction, or we are lost in the moral standard as viewed by the world. There is no law for faith; there is no law for belief; but there are laws for the government of people, and when they do a thing that is offensive to the order of society they ought to expect, or at least will receive, the condemnation of the majority. The Mormon faith, with the exception of these modern revelations, which my friend, the Delegate from Utah, who I see here, will excuse me if I say I do not believe, is the old Bible doctrine of the Old and New Testaments. They believe in the same God and in the same Savior in whom we believe, but they have got additions to their faith which I say I question. As a man thinketh so is he; and that measure that we mete out to others shall be measured unto us.

I am a Presbyterian, Mr. President. I was baptized a Presbyterian, and I stand by the old Presbyterian platform, but once in a while I get hold of a man in conversation that shakes my faith. My mother was a Presbyterian and my father was a Presbyterian, and I saw them launched into the other world in a perfect honesty of belief that bore them up in the trying hour. I shall not yield my present faith, either to Mormonism or any other ism, and yet I think the history of the world will convict Presbyterians of being rather a sordid set. But, sir, to me it is a faith; to the Mormons their belief is a faith. In the investigation before the committee of which I have the honor to be a member, we examined all the grades of Mormons, and they told us that they regarded it as a religious duty. Mistaken men, mistaken associations, mistaken church, if you please, but yet on that conviction they rest as firmly as you, Mr. President, on any other doctrine.

They say they have Bible authority. Perhaps they have Bible example. They say that their belief is in accordance with the whole lives of those who make up the Old

Testament. They say that Daniel's vision points in this way. I heard it demonstrated in the Tabernacle at Salt Lake by a very able man that Daniel discovered precisely where his religion was to be reborn and that the same mountains prophesied by him surrounded Salt Lake now. I doubt myself whether Daniel wandered by alkaline waters, having his choice of a large territory where he resided. [Laughter.] I do not believe this thing and yet they do as honestly as I believe it is not so. Now the point in this whole legislation is this: How is Polygamy to be stopped? I would stop it by congressional law; but when and how to stop it is another thing.

The honorable Senator from Ohio, nearest to me, [Mr. Sherman,] told you, Mr. President, a great truth when he said that these Mormons had performed what was almost providential in its character, for the settlement of this continent. Driven, or taking themselves—I will not say driven, but taking themselves from their surroundings in old eastern States, they wandered away across the trackless continent to the valley of Salt Lake, as sterile as any deserts upon which man can tread, as uninhabited as anything you can imagine; and with nothing save the light of the stars by which they steered, they sought a home away from the persecutions of their old States here and settled, God knows how, in that valley of Salt Lake; and there in the midst of the desert they have made the fields to bud and blossom as the rose, and the busy hum of industry is seen and heard all around. There the weary emigrant as he was winding his way to the golden land found a green spot upon which he could rest his foot, the child found milk, and oh, sir, how the children of the emigrant languished for that. The men found meat which is intended for strong men; the traveler found rest, and the weary repose, and, sir, much of it was by the charity of the Mormons.

I linger upon these kindly recollections. I speak a little in the spirit of gratitude with which the hearts of fathers and mothers and children were filled; and you see there now one of the most prosperous cities of our continent, certainly of the entirely internal cities. There, sir, you see the Mormon temple and there the Christian church. The chimes of the Episcopal church there ring out with as full clearness and with as much gusto as they ring anywhere, and the services of the Christian church are never disturbed by the meddling of the Mormons, and so vice versa.

But, Mr. President, the peculiar institution of Mormonism is a great sore that never can be cured by one dose. You must give alternatives, you must give sedatives, you must change the current of the blood and put it in another direction, and then you are doing what wise men ought to do. We might apply to them the words of Moore:

"Like the stained web that whitens in the sun,
Grow pure by being purely shone upon."

Surround them as they are now being surrounded with Gentile influences; show them by the very different example of the Gentile world that they are but human beings after all; and seeing the comparatively resplendent glory reflected from the Gentile world, the young Mormons will flee from that ark like a drowning rat.

Therefore, sir, after the long years that I have had to do with this question, I have come to the conclusion that gentle means are the best. I remember when they were driven from Nauvoo, and that made ten Mormons where it saved a single man from being one. That little band when they started out went clothed in the habiliment, as they believed, of faith. They were armed for all emergencies through this faith. It was the star by which they steered and the garment with which they were clothed. Now, sir, the time has come when I say to the Mormons, "You must abandon that idea; throw up that foolish whim or prejudice, whichever it may be; reject your modern prophecies, and return to the prophecies of the olden times." When that is done this will be all settled. But that friction that has been going on for years between the Gentiles and the Mormons has made it difficult for men with their judgment to mount above their prejudices and they have become clannish. This is a natural result, and one entirely in keeping and in consistence with

the history of these frictions wherever they have occurred.

Now we have come to the point where something must be done. What is my advice, Mr. President, you may ask, or some one may do me the honor to enquire? My advice is to do just as little as possible not inconsistent with the public sentiment, and nothing that is cruel or oppressive towards the Mormons.

When you come to look at this bill there are some features of it that require attention. The main point is secured to prevent polygamy; but there are some features of this bill that look a little as if they were born in some other spirit than a desire for quiet. For instance, I refer to the fifteenth section, where, if a Mormon is guilty of this impropriety, he never shall become a citizen of the United States. My friend from New Jersey shakes his head. I thought it was further than he would go.

Mr. Frelinghuysen.—The language of the section is "while in the practice of polygamy."

Mr. Nye.—"Though your sins be as scarlet, they shall be as white as snow." Does the Senator forget that? But here if a man has ever had any polygamous intentions he shall not be a citizen.

Mr. Frelinghuysen.—Oh, no.

Mr. Nye.—But that is the sentiment shadowed forth by that section: "You foreigner, you that come from England, or Wales, or Norway, or any other country, if you have ever imbibed or believed this Mormon doctrine, and have practiced therein, the gates of American citizenship are closed against you."

What an imposing penalty is that! You have sinned in this one thing and no other, and therefore you shall not be an American citizen! Mr. President, the essence of American citizenship is incalculable in its value. Will you say to the man that leaves his own country and after kissing the last tear from the cheek of his mother, endures the dangers of the sea to come to this country to find a home, "If you imbibed for one hour this doctrine of polygamous intercourse, you are a lost man forever?" Sir, that is not in accordance with the judgments of our Master. He said of the woman who sinned, "Let the man who is without sin cast the first stone;" and history has failed to record that there was a stone thrown. [Laughter.] She was sorry for her sins and no man dared stone her. So I say as to the man who has been a little too thick with polygamy, let the Senate stone him, let the world stone him under the same limitation, and it will not hurt him much, I am sorry to say.

Now, Mr. President, there is the sin, and here is the punishment, shutting up the gates of mercy to the penitent. Against that I protest in my own manhood.

The Mormons are fully as anxious to have this matter settled as the Gentile world. What they want is that it shall be settled so as not to humiliate or destroy them; for I hold that the Senate does not mean to legislate that Brigham Young shall not have his religion. All we want is that they shall drop this plague spot upon modern civilization. Let us reach that object in the most direct way. It seems to me that a single enactment, a single section can reach it, providing that they shall not indulge in the practice, and that if they do, they shall receive the severest penalties prescribed by the law.

The Gentile world out there are getting a little selfish too. My colleague has had some experience in that. When large losses are incurred and large business interests are in the scale, this jealousy that has always existed between the outside world and Mormonism becomes quickened into action. The Gentiles say they cannot get a fair jury trial with Mormons, and the Mormons say they cannot get a fair jury trial with the Gentiles. My impression is at the present moment that they cannot, either of them. That is my judgment. They have need to be always suspicious of the results of trials conducted in that way.

Now it is proposed by the honorable Senator from New Jersey, who represents here one of the most important committees in our catalogue of committees, that we shall have three persons to draw the jury. The original bill provided, if I am correct, that those persons should be the judge, the clerk, and the marshal. I think if I were a Mormon I should be a little suspicious of that tribunal. It seems to me that such a provision would endanger the line of demarcation that has always existed between courts and juries. All lawyers and observers have witnessed the great benefits that have resulted from the entire separation and severance of the courts and the juries.

Give a bad man the office of judge, and he can secure just such verdicts as he would make himself. Give a careless man a judgeship, and he can secure verdicts that will endanger the peace of your community. Give an evil man this power, and the glory of the judiciary will fade before his influence. I would not have Mormon juries nor Gentile juries; but I hope the time has arrived when the Mormons and Gentiles have come to the conclusion, like sensible men, that they will take their jurors from the best citizens they have, and abide their ver-

dicts like men. Sir, language cannot describe the benefits to the world of trial by jury. In its purity and its isolation, as well from judicial power as any other, consists its principal glory.

The judge has no more business to hold intercourse with the jury when it is called out than a stranger, unless he does it in the presence of the parties. The jury is the bulwark of protection. It has knocked the shackles from off the supposed criminal and it has bound in chains the guilty, as it ought to do. I am suspicious of any influence to break its power. It is better sometimes to suffer a wrong than to right it so as to produce a revulsion and convulsion. It may be that my fears are imaginary; but I want no packing of juries. If this bill gives these people honest juries, I shall be content and more than satisfied; but it seems to me it might be a little more conciliatory in its character. We should not at least take the character of the formation of that jury, the last hope that the Mormon may have.

These are the views that I entertain. I state to you, sir, and to the Senate and to the world that polygamy ought to be stopped. I will go as far as any man to help stop it; but in that effort do not let us do a thing by the enactment of a law that will not redound to the glory of those who passed it, or promote the peace and quiet of the community. Sir, it is now but a day's journey, comparatively speaking, to Salt Lake; it is but a day's journey to cities beyond Salt Lake, where the ideas that the Mormons entertain do not prevail. My colleague and myself can go in two hours from Salt Lake to another State, where I am happy to say this practice does not prevail. Being hemmed in all around by influences that the world never can put down, a good, sound, healthy public sentiment is the bane of Mormonism, and that is what will destroy it. Mormon society is very different from what it used to be.

I should therefore prefer to have a commission consisting of three Mormons and three Gentiles for the selection of these juries, the Mormons standing in the simple habiliments of country gentlemen on the one side, and the marshal and the clerk and the judge with their power on the other. I think no danger need be apprehended under such a provision. If we cannot get three from the Territory, I want two. In that way by association, which is more purifying than anything else, they will learn to see that it is idle for them to resist longer, and you will see Mormon and Gentile in the same jury-box mingling in honest counsel to determine the honest rights of individuals.

Such are my sentiments on this question, and I have thought it no more than my duty to state them. I have watched this organization for twelve years. I know it pretty well. They have done some wrong things, but where is the set of men that have not? Every day's experience teaches us that in the midst of better surroundings men may sometimes do wrong. In the midst of their surroundings and impelled by religious bigotry, these people have done some things wrong. But, sir, the past has gone. New sentiments, new people have grown up here even on our own continent since Mormonism was planted, and this seems to me to be a day in which the most liberal construction should be put upon the actions of men in order that we may escape ourselves from the results of our own infirmities.

I hope that this commission will be formed. It will be a great good. If it consists of two persons from the Territory and these three officers, as they are generally not all present, it will leave it about a fair thing I shall therefore support that proposition. But, sir, I desire to see the fifteenth section struck out, for it seems to me to be making sauce for the goose that is not regarded as sauce for the gander. My friend from Ohio undoubtedly agrees with me in this respect. I think that the foreigner is entitled to all the privileges that we are. I shall never vote to narrow the circle of American citizenship, if I can help it, for a fault in youth or a sin in maturer years. I give them the benefit of that repentance which alone makes it easy for any of us to resist further temptation, and I would not withhold from them a single principle that I would claim for myself.—*Congressional Globe.*

Correspondence.

SALT LAKE CITY,
March 10, 1873

Editor Deseret News:

As this is a republican government, ostensibly at least, it is presumable that the policy of selecting public officers, whether by popular or representative election or by executive appointment, involves a respectful regard to the wishes of the people whom the duties of those officials immediately affect. President Grant has announced himself in favor of this truly republican policy so far as to profess to be minded to make a practice of selecting federal appointees for a Territory from among resident citizens, a practice worthy of commendation, and if it means selecting those appointees from among those resident citizens who are not only qualified for public office, but who are the choice of the clearly manifested majority of the whole of the resident citizens, it will be worthy of all commendation, because it will be strictly, in spirit and in operation, in accordance with the republican principle of self-government upon which the fabric of the Federal Union was based. So far as this principle is not adhered to in the appointment of public officers, the spirit and operation of the government are not republican, but imperial, dictatorial, autocratic, and in the hands of many men would be despotic, tyrannical, in diametrical opposition to that fundamental

republican principle of having due regard to the choice of the people.

There is no sound reason why the people of this Territory should be treated in pursuance of any other policy than the sensible and just one above named. To rule over them imperially while a Territory constitutes a poor training for the time when they will be called upon to exercise the full rights of citizens under a republican State government, which all States are required to have as the one essential prerequisite to the condition of Statehood.

Changes are being made in the federal officials for this Territory, and certainly changes were needed. Of others there are rumors as being either facts accomplished or proposed. While these changes are in course of effectuation, it may not be amiss to propose one which certainly, in the opinion of every sober, intelligent and candid citizen, ought to have been made long ago. Reference is here made to the office of chief justice of the Territory, not that I, decidedly as I consider the present incumbent incompetent and unfit for his high position, wish him to be removed, unless a better, a less bigoted, a more impartial judge were to be appointed as his successor, which I should be very sorry to hear could not be readily found.

Why should the removal of the gentleman now occupying that important office be likely to prove beneficial? For many good and sufficient reasons.

He is not considered an impartial judge, but excessively prejudiced against the majority of the citizens, solely on account of their religion.

He came to this Territory, judging by his own words, with this chief end in view—to overthrow the religion of the majority of the citizens of the Territory.

This design has manifestly so biased his judicial acts that he is incapable of administering an impartial judgment.

For a long time after his arrival his official course of procedure was illegal and unconstitutional, so decided by the unanimous voice of the Supreme Court of the United States.

Since the reversal of his procedure by that court, he has manifested no sufficient signs of apprehension of the illegality of his proceedings.

He is considered by most of the citizens, as they think with ample reason, an obstruction in the way of justice, rather than a faithful administrator of the same.

He is generally understood to be one of those who have worked hard and persistently to procure special legislation of a kind the very antipodes of everything republican.

For these and many other reasons, it is very generally concluded that he is exceedingly unfit to hold the high place of trust and responsibility to which he has been called, and therefore that he ought to be replaced by a more suitable person at the earliest convenience of the Federal executive department.

SCRUTATOR.

Condition of Utah.

We understand, from the dispatches, that a great deal of excitement prevails here, growing out of the conflict between the probate and the United States courts; also that the courts are in a terrible condition; that the excitement has reached Washington; that both houses of Congress are at work on bills to relieve us, and that in the event of resistance to the measures to be adopted, troops, under the command of Sheridan, or somebody else, are to be sent here to suppress the rebellion.

One would suppose that those who have friends must hold their breath sometimes, as seated quietly at their breakfast tables they read the dispatches, and think of our pitiable condition. Well, the picture is dark, and if the reality correspond, we should, of all men, be the most miserable.

But the fact is, those who quietly pursue their callings, whether religious or secular, know nothing about these excitements. True, there is a hitch in the transaction of legal business, but the idea that great excitement prevails, or that violence may be apprehended, or that additional troops will be needed, is purely imaginary. Indeed, the people here would seldom suspect the deplorable condition of affairs, if they did not see the papers from abroad. There are a few leaders here, who