

DESERET NEWS.

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TRUTH AND LIBERTY.

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MACAULAY ON PERSECUTION.

We offer the following passage from Lord Macaulay on Hallam's Constitutional History, for the reflection of Secretary Evarts and the host of pious people who endorse his proposed circular letter against "Mormon" immigration:

"To punish a man because he has committed a crime, or because he is believed, though unjustly, to have committed a crime, is not persecution. To punish a man because we infer from the nature of some dog, trine, which he holds, or from the conduct of other persons who hold the same doctrine with him, that he will commit a crime, is persecution, and is, in every case, foolish and wicked."

WHY THIS FEAR OF UTAH'S STATEHOOD?

"To admit Utah as a State while polygamy flourishes there, however, would practically be to acknowledge the lawfulness and expediency of plural marriages, and no man can say what consequences for the rest of the Union such a step would have."

We clip the above from the Sacramento *Record-Union*, not because it contains anything new or startling, but because it expresses the views of a great many people on the subject of Statehood for Utah. The Republican party is very much alarmed at the possibility of the admission of Utah into the Union under the auspices of the Democracy. Two more Democratic Senators and one more Democratic Representative, with three more Democratic votes in the next Electoral College, altogether form a bugabeo big enough to frighten any average Republican politician. Every possible means will be resorted to for the purpose of preventing such an accession to the ranks of the enemy.

Really there is little cause for so much alarm. No further effort towards Statehood for Utah is being made, now than has been attempted for twenty years past. But the needs of one party as well as its opportunity are perceived by the others and knowing what they would do under the circumstances, the Republicans fear lest the Democrats should solve the "Mormon" problem and strengthen their own power by admitting Utah into the Union as a State.

But the Democracy, who cannot rightly claim the title of the "anti-territorial," experience having proven that they can be easily frightened out of their rights, are to be feared in this instance by an exaggerated picture of polygamy, and an imaginary connection thereof with the question of Statehood. But, if the matter is looked into, it will be clearly perceived that there is no proper relation between the two subjects at all. The *Record-Union*, echoing a silly, common saying, states that to "admit Utah would be to acknowledge the lawfulness and expediency of plural marriage." Stuff! One might as well argue that because cannibals practiced and enjoined on the Catholic priests in New Mexico, to admit that Territory as a State would be to acknowledge the rightfulness and expediency of enforced bachelorhood.

"Mormon" polygamy is a part of the creed of a Church in Utah, it has no connection with the State. Some of the members of that Church practice plural marriage, others do not. This religious ordinance receives no recognition from the civil power of the Territory, it would not enter into its policies if admitted as a State. In New Mexico there is a Church which requires its priests and its nuns to remain unmarried. We do not propose to show the error and evil of such a requirement, nor to prove as we might do, that it is far worse in its effects than anything that can be alleged against

polygamy. The morality or expediency of either social system has nothing to do with the matter. The question is, how far would the Statehood of New Mexico be affected by celibacy? The answer is, not at all. It is merely a Church matter and does not belong to the State. The Territory has nothing to say about it, the State would not recognize it. As the celibacy of Catholic priests and nuns in New Mexico would not be acknowledged as lawful and expedient by the admission of that Territory as a State, so the admission of Utah into the Union would have no bearing whatever upon the lawfulness or expediency of the marriage relations of a portion of the "Mormon" Church.

When Nevada was admitted into the Union, who ever heard of an objection that if Statehood was conferred upon that Territory, it would be "an acknowledgment of the lawfulness and expediency" of gambling! Yet gambling was more common there than plural marriage was in Utah, and was actually allowable by law, while the civil law here is silent on polygamy.

The only proper questions for Congress to discuss in connection with the admission of a new commonwealth into the sisterhood of States are, has it the necessary population? has it the power of self-sustenance? and does its constitution provide for a republican form of government? With its social system, its religious predilections, its domestic regulations, Congress has nothing whatever to do. These matters, so far as they can be supervised by law, belong to local, not to national authority. Marriage is not a subject for the Government of the United States to handle in any way. No power to legislate upon it is conferred by the Constitution. It is rightfully a matter for local consideration, and its arrangement, if it belongs at all to the civil authority, is one of the rights reserved to the States or the people. Any questions, therefore, that may arise over the marital relations of the people of an incipient State, asking for admission into the Union, are altogether foreign to the subject and should not be entertained.

But the most absurd part of the *Record-Union's* remarks are those in regard to the probable terrible effects upon the country of Utah's admission to Statehood. It really seems that the influence of this little handful of Latter-day Saints away up in the valleys and dales of the Rocky Mountains is something to be feared, by the great and puissant nation called the United States! Here are a hundred and fifty thousand people, most of whom believe that it is right for some men to have more than one wife at the same time, and some of whom carry their faith into practice. Again, there are forty-five millions who say that this view is wrong, and that its exercise must be suppressed. But if the little community is granted its political rights under the Constitution, the whole country will be placed in imminent danger! Of what? Who knows? Is it possible that it is feared that the polygamists are ideas of the few will spread and be adopted by the many? Are the arguments in favor of plural marriage so forcible that there is cause for alarm, lest they will prevail against the anathemas of the priests and the denunciations of grooved-notioned philosophers? And if this be the case, what additional force would polygamous doctrines obtain by the entrance of Utah into Statehood? It is a tacit admission of radical weakness to suggest that there is danger in the contact of the ideas of so few persons with those of such an immense multitude, particularly when the former are counted barbarous and ignorant and the latter civilized and intellectual.

The real effects to the nation of the admission of Utah would be, so far as the Government is concerned, the actual "solution of the problem" which has troubled some would-be statesmen so long. The new State would have to do all the "solving," if any needed to be done. The Government would be relieved of the difficulty. Deseret would regulate its own internal affairs for its own best interests and prosperity. As a growing, vigorous and ambitious yet loyal commonwealth, it would be a strength to the nation, a shining gem in its crown, a source of wealth and wisdom, a bright and steady star in the Federal constellation, whose

light, continually increasing, would shed lustre upon the whole republic and help to make it the envy or admiration of the world. We have little faith that the country will recognize this simple truth, and conquer its blinding prejudice enough to view the matter in its reality, so as to give the people of Utah their constitutional rights and add to its own glory. But we know that in shutting its eyes to the facts, indulging in absurd fears and unreasonable objections, and denying to a thrifty and truth loving people the common rights of citizens, the country is placing a barrier in its own path and depriving its life of power which in the near future it will sorely need.

"EXAMINATION" OF THE ENDOWMENT HOUSE.

THE Washington correspondent of the New York *Herald* appears to be keenly on the alert for items about the "Mormons." In a dispatch which was printed in last evening's NEWS, some work is laid out for the next grand jury of this district. "One of the first duties to be presented to the grand jury," says the correspondent, is "an examination of the Endowment House."

How very curious official people appear to be about the Endowment House! And how anxious some of them are to strain and stretch the law so as to reach "Mormon" affairs to which the law does not apply. Counselor Wells was imprisoned in the penitentiary because he would not gratify the impertinent curiosity of a boastful attorney, nor yield to the dictum of an arbitrary judge, and disclose matters pertaining to that House with which neither the Court nor the case before it had anything to do. His incarceration did him no harm, but exposed his persecutors to the scorn and contempt of reflecting people throughout the country.

Now, it appears, a new attempt is to be made in the same direction. But what right has the grand jury to make "an examination of the Endowment House?" None whatever in reason, none whatever in law. Grand juries in this district lately have greatly exceeded their legitimate powers, and have attempted to regulate and "reform" all kinds of things from book-keeping to the building of colleges, and from sanitary arrangements and smells to the affairs of courts and counties. But they will have to stop somewhere. And we are of the opinion that they will draw the line, if nowhere else, at the point which the *Herald* correspondent intimates they will step over. If common sense and the limits of the law do not restrain them from prying intrusion into places and affairs with which they have no business, we have reason to believe that other powers will interpose to prevent their going too far.

The Latter-day Saints have patiently yielded to many encroachments upon their rights and privileges. They have borne that which no other people would have endured without forcible resentment. But, as we have gently intimated on a previous occasion, there are bounds even to their endurance. We do not believe it would greatly conduce to the health of a grand juryman or any other person, official or unofficial, to attempt to force his way into the House dedicated and consecrated by the Saints for private religious ceremonies. And we frankly confess that we would not counsel the thousands of determined people who would rise in a body to repel such an invasion of their rights, to hold back or tamely submit to such an outrage.

The powers of grand juries in Utah are sharply defined in the laws. The following, from the Poland bill, shows their extent:

"The grand jury must inquire into the case of every person imprisoned within the district on a criminal charge and not indicted; into the condition and management of the public prisons within the district; and into the wilful, corrupt misconduct in office of public officers of every description within the district; and they are also entitled to free access, at all reasonable times, to the public prisons, and to the examination, without charge, of all public records within the district."

There is nothing in the above on which the slightest pretext can be made for the intrusion of the grand jury into a House dedicated to the solemnization of religious rites. And we do not believe that an attempt of that character, backed up by any kind or extent of pretended authority, would prove successful. Further, we are certain that if such a thing could be accomplished, the intruders would find themselves rewarded for their pains with the sight of the emptiest kind of a mare's nest. If all the grand juries that ever made themselves ridiculous by absurd "reports" were to examine every nook and corner of the House which excites so much curiosity, they would come out no wiser than they went in, with the exception of the knowledge that they had made fools of themselves by hunting for something that had no existence. But though "Mormonism" or its marriage system would neither be in the least degree affected by a public examination of the Endowment House, for all that it belongs to the Church of Jesus Christ of Latter-day Saints; is not a public place, but is held sacred for ceremonial purposes; and if we know anything of the feelings, determination and ability of the "Mormon" people, we are satisfied that they would stand up as a unit in defence of the rights which would be involved in any such high handed proceeding as suggested in the dispatch from Washington. "Go slow" will be found a safe motto in this connection.

THE "CIRCULAR" CONFIRMED.

WE learn from the New York *Graphic* that the text of Secretary Evarts' circular to the representatives of the United States abroad on "Mormon" immigration has been published, and that the account given of it by the papers was substantially correct. The *Graphic* thus discourses on the circular:

"The full text of the Mormon circular has been published. The account of the document given in the newspapers at the time it was dispatched to our foreign representatives was substantially correct. The circular is doubtless well intentioned, but it is marvellous how a man so careful as Mr. Evarts is and so good a lawyer as he is reputed to be, should have ever permitted himself to sign such a paper. Foreign nations are soberly asked to check the organization of criminal enterprises, it being assumed all through the circular that Mormon emigration is a crime. More than a month ago the *Graphic* showed clearly that Mormonism has never been declared a crime by any law of Congress or decision of any court, and it was demonstrated at the same time that there is no basis in law for the assumption that Mormon immigrants are coming to this country to violate our laws. The pre-emption is the other way—that every one who comes to this country comes with the intention of obeying the laws. If he fails in carrying out this intention he makes himself liable to the laws, and ought to be punished. But this is quite a different thing from asking foreign governments to interfere to protect the United States from being overrun by persons who may violate our laws. Our Government has no claim on foreign governments to prevent Mormon emigration. This is the common sense of the matter, taken by foreign governments. Mr. Evarts seems to have put his foot in it."

The propositions said to have been embodied in the circular letter were so silly and impracticable, that we treated them at the time they were made public as exaggerations of the reporter who furnished the news to the world. Evarts has had credit for uncommon astuteness and ability, and although very pedantic and given to interminable sentences, he has obtained a very high reputation as a constitutional lawyer. But this effort is enough to dim all the glory that has heretofore encircled his brow, and the statesmen of Europe, as well as the reflecting people of the United States, will consider the Secretary not only lacking in an understanding of statesmanship, but deficient of ordinary common sense.

If a politician in a stump speech had advocated the suppression of "Mormon" immigration, on the

ground that "Mormons" from abroad might possibly become polygamists in Utah, the idea might have been applauded by the unreflecting crowd. But the serious presentation of the absurdity in a public document of international import, strikes every candid and reasonable mind as the acme of stupidity; and calculated to make its author an object of ridicule, if not of contempt, in every foreign court where the project is mentioned.

The *Graphic* thus amuses itself over the nonsense:

"Mr. Evarts' anti-Mormon letter to the diplomatic officers abroad:

I want you to see
That every-ee
Man who migrates
To the United States
Has no more than one wife
To trouble his life
For it's not a good plan
For a single man
To marry
And carry
A harim
With him.
For I've promised some ladies
O'er a cup of Bohea
To stop import of Mormons
From over the sea."

It really seems as though all public men who undertake to handle the "Mormon" question adversely are smitten with blindness and folly. That august tribunal, the Supreme Court of the United States, in touching upon it, had no better sense than to argue that because burning widows and strangling people to death, under the name of religion, were punishable by law, that therefore plural marriage was also punishable by law; that because a system for the unauthorized extinction of life was criminal, a system for the increased production of life was also criminal. And now the Secretary of State goes still further, and argues that because some of the "Mormons" in Utah marry more wives than one, all the people who are converted to the faith of the Latter-day Saints in every part of the world, male and female, intend to become polygamists and must be punished accordingly. The course of folly could no further go, except in the way of an attempt to make others join in the absurdity. And this the Secretary has done by inviting the Governments of Europe to aid and assist in recognizing prospective infraction of the law, and in treating people as criminals who may possibly be suspected of some remote intention of doing an unlawful act, at some future time, in a distant country. How truly are the words of Isaiah the Prophet fulfilled, when speaking of the events to transpire in the latter days:

"Wherefore the Lord said, Forasmuch as this people draw near me with their mouth, and with their lips do honor me, but have removed their heart far from me, and their fear toward me is taught by the precept of men: Therefore, behold I will proceed to do a marvellous work among this people, even a marvellous work and a wonder: for the wisdom of their wise men shall perish and the understanding of their prudent men shall be hid."

THE CAMPAIGN OPENED.

DISTRICT ATTORNEY VAN ZILE has commenced the campaign in this Judicial District which has been predicted for some time past. It is earnestly desired that a number of alleged polygamists shall be convicted, as an evidence that the Republican Administration is in earnest in the suppression of the "Mormon" system of marriage. To effect this extreme measures are required. The ordinary rules of judicial procedure are to be to some extent ignored. Conviction is the object in view; conviction must be had at any cost. In other words, if it is necessary to set aside or trample on law in order to enforce the law, it is to be done in these cases.

This morning the Attorney set aside several citizens summoned to serve on the grand jury, on the simple ground that they believed in a tenet of the Church of Jesus Christ of Latter-day Saints called the doctrine of celestial marriage. Observe; the objection was not that they were polygamists, that they ever had been, or ever expected to be, or that they had any conscientious scruples in regard to finding an in-