

Senator Bailey—Senator Smoot, you made one answer that I think you would want to revise on reflection. In reply to a question by Senator Overman as to the extent to which the church is interested in these industrial enterprises you said that it did not own as much money as many United States senators have.

Senator Smoot—Let me—Senator Bailey—That implies, I think, rather a reflection. The charge here, in its widest scope, is that the Mormon Church controls the politics and industries of Utah. The ownership of the Mormon Church in these various industries might be entirely pertinent to an inquiry of that kind. But there is no charge that any senator is controlling either the politics or the industries of Utah. The ownership of the Mormon Church in these various industries might be entirely pertinent to an inquiry of that kind. But there is no charge that any senator is controlling either the politics or the industries of Utah. The ownership of the Mormon Church in these various industries might be entirely pertinent to an inquiry of that kind. But there is no charge that any senator is controlling either the politics or the industries of Utah.

Senator Smoot—Mr. Chairman, I wish to distinctly understand that I have no intention whatever of casting a shadow of a doubt on a single senator.

Senator Bailey—I am not one of the senators who would take any offense at that, and I think so, for if there are a little richer than is necessary.

Senator Smoot—I shall ask then that that part of the answer be stricken out.

The Chairman—If there be no objection, that will be done.

Senator Overman—Inasmuch as my colleague has intervened, I will ask you this question: Have not these questions been asked other witnesses?

Senator Smoot—Possibly if the Senator from Illinois had attended of ten, he would have seen that these questions have gone in.

Senator Hopkins—I have attended often enough to keep track of the legitimate issues before the committee.

Mr. Worthington—You could do that without coming very often.

The Chairman—In your Church economy is there any method by which the President can be deposed?

Senator Smoot—Yes, there is.

The Chairman—If he commits any unchristianlike act, or in any way, shape, or form does anything that would hurt him for that place, he can be removed from the Church.

The Chairman—And from his Presidency?

Senator Smoot—And from his Presidency.

The Chairman—You heard the testimony here, I believe, of Joseph F. Smith?

Senator Smoot—I did.

The Chairman—In which he testified that he was living in defiance of the law of the land?

Senator Smoot—I did.

The Chairman—Did you also hear him state that he was living contrary to the divine law?

Senator Smoot—I heard him testify, and make his qualifications.

The Chairman—That he is living in defiance of the law of the land, and that the church presided against him for the violation of these laws?

Senator Smoot—They have not.

The Chairman—No steps have been taken to try him for the offense of polygamous cohabitation?

Senator Smoot—No, sir.

The Chairman—I understood you to say this morning that it is the province of the Apostles to counsel and advise the President?

Senator Smoot—When asked by him, The Chairman—Only when requested.

Senator Smoot—Yes.

The Chairman—You are not, then, at liberty to advise him unless requested?

Senator Smoot—I have not.

The Chairman—And you intend to retain your relationship and your apostolic position and sustain the President in his crimes?

Mr. Worthington—I object to that. He intends to sustain the President in his crimes.

The Chairman—I will modify the question. I will ask the witness whether he intended to sustain Mr. Smith in the commission of this crime?

Senator Smoot—I do not sustain any man in the commission of crime.

The Chairman—You sustained him in living in polygamous cohabitation?

Senator Smoot—I have not said that.

Senator Smoot—Did you not sustain him in October last?

Senator Smoot—I sustained him as President of the Church.

The Chairman—And you have made no protest to him personally?

Senator Smoot—I do not think it my place as a citizen of Provo, that is where I live, it is not my place to make any complaint to the officers of the law against President Joseph F. Smith.

The Chairman—Against the head of the Church?

Senator Smoot—Against Joseph F. Smith or John Henry Smith, I do not care whether he is the head of the Church or a man living there.

The Chairman—Then you think that your relation as an Apostle does not impose upon you any duty to make complaint against the head of the Church for any offense?

Senator Smoot—I do not think it would be my duty.

The Chairman—What was the composition of the Legislature which elected you? I mean as between Mormons and Gentiles?

Senator Smoot—I should say, roughly speaking, there was a third of the Republican party, and two-thirds Mormons.

The Chairman—How many members of the Legislature were there?

Senator Smoot—There were 43 in all, but they were not all Republicans.

The Chairman—I mean the total membership of your Legislature, in the house and senate.

Senator Smoot—Sixty-three; 18 in the senate and 45 in the house.

Senator Overman—Some of the Democrats were Mormons?

Senator Smoot—Oh, yes.

Senator Overman—And they did not vote for you?

Senator Smoot—Oh, not a Democrat.

Senator Overman—The Democratic majority voted for the Democratic caucus nominees?

Senator Smoot—Yes.

Mr. Worthington—Was their nominee a Gentile or a Mormon?

Senator Smoot—Oh, no; the Democratic nominee was Joseph L. Rawlins, a Mormon.

Senator Overman—He was a non-Mormon?

Senator Smoot—A non-Mormon.

Senator Overman—A Gentile, and the Democratic nominee voted for him?

Senator Smoot—Yes, he asked me if I could. We were out in front of the bank there, talking; and he asked me if a certain statement was true, and I told him that it was in the testimony and he could come in, and I showed him the testimony.

Senator Bailey—You would not regard it as a proper thing to use the testimony of a witness, delivered before his committee in the testimony and he could come in, and I showed him the testimony.

Senator Smoot—I would not.

Senator Bailey—That is all I want to ask, Mr. Chairman.

Mr. Worthington—Mr. Taylor, are you through?

Mr. Taylor—I have a question I wish to ask.

The Chairman—It is now 12 o'clock, and we will have to take a recess until half-past 1.

The Chairman—(at 12 o'clock meridian) the committee took a recess until 1:30 o'clock p. m.

AFTER RECESS.

The committee reassembled at the expiration of the recess.

The Chairman—Senator, will you resume the stand?

Reed Smoot, having been previously sworn, was examined and testified as follows:

Mr. Worthington—Mr. Taylor, have you had an opportunity to look at this sermon?

Mr. Taylor—Yes.

Mr. Worthington—Do you care to put that in with this affidavit?

Mr. Taylor—Yes.

Mr. Worthington—Without subpoenaing the witness?

Mr. Taylor—Yes; that is all right.

Mr. Worthington—Very well. I will do that later.

The Chairman—Senator, I want to ask one or two questions, that I may be more thoroughly informed. Are you at liberty to resign your Apostolate?

Senator Smoot—At any time.

The Chairman—You are not under any restraint from any authority in resigning your Apostolate at any time? You can at any time resign?

Senator Smoot—At any time.

The Chairman—And is there anything in the rules or practices of your Church which would prevent you from severing your connection with the organization?

Senator Smoot—None whatever.

The Chairman—With the Church itself?

Senator Smoot—None whatever.

The Chairman—You speak of the time when you took the endowments. I am not clear whether you stated if you were present at other times when the endowments have been given.

Senator Smoot—I never have been, Mr. Chairman.

The Chairman—You have never been present at any time since?

Senator Smoot—No, sir.

The Chairman—And you have not officiated in any way in conferring the endowments at any time?

Senator Smoot—I knew he had been a polygamist, and I knew that one of his wives died. I never knew anything about his family and I thought he had had two wives, one dying, he only had the one; but it proved that he had, before the manifesto, three wives instead of two.

The Chairman—Do you know what the general reputation was at that time in that regard?

Senator Smoot—I have never heard it mentioned.

The Chairman—It never came to your knowledge what his reputation was in that particular?

Senator Smoot—I never heard it mentioned.

The Chairman—I understood you to say you would have voted for him had you known him to be a polygamist.

Senator Smoot—Under the circumstances, if he was married before the manifesto, I would have voted for him.

The Chairman—Then the fact, if it were true, that he was living in polygamous cohabitation would have made no difference with your vote?

Senator Smoot—Well, I knew nothing as to that, I am sure.

The Chairman—Suppose it to be true that he was, and you had known he was living in polygamous cohabitation at that time, would you have still supported him?

Senator Smoot—I am in a Church position. The Chairman—I beg your pardon.

Senator Smoot—I am in a Church position. The Chairman—Well, this was a Church position.

Senator Smoot—This was a Church position.

The Chairman—So that would not have deterred you from voting for him?

Senator Smoot—I hardly think so.

The Chairman—I understood you to say, in your direct examination, I believe, but I want to be clear about it—Senator Smoot—Yes.

The Chairman—That there is some investigation being conducted now in regard to Mr. Cowley?

Senator Smoot—I have understood so.

The Chairman—Did I understand you correctly?

Senator Smoot—I say I understand so.

The Chairman—Do you know by whom that investigation is being conducted?

Senator Smoot—As I understand it, it is to be investigated by President Lyman, and not of course, positively of that, but that is as I understand it.

The Chairman—That was as you understood it?

Senator Smoot—Yes.

The Chairman—Do you know whether the investigation has been entered upon?

Senator Smoot—Well, Mr. Chairman, as that as I understand it, it has been entered upon.

The Chairman—And have you any knowledge about it, as a matter of fact?

Senator Smoot—Only from what I have heard people say.

The Chairman—Have you made any inquiry to ascertain whether Mr. Cowley is now being investigated and what are the charges?

Senator Smoot—I do not know.

The Chairman—I understand you, Senator, to state that you do not teach polygamy?

Senator Smoot—I do not.

you made it to God?

Senator Smoot—Because that is the impression I had at the time, that I made that vow with my Heavenly Father.

Mr. Taylor—I am not dealing with this in any even suggestively sacrilegious way, Senator, but I want to get the process, mental or moral, by which that thing occurred. You do not understand, do you, that God revealed himself to you at the time that you took this obligation?

Senator Smoot—No, I do not.

Mr. Taylor—You do not know that God required that obligation, do you?

Senator Smoot—I do not.

Mr. Taylor—Or that he called for it in any way, either upon you or anybody else?

Senator Smoot—He may have by instituting the endowment through His Prophet, Joseph Smith, Jr.

Mr. Taylor—When did God institute these endowments, Senator?

Senator Smoot—I understood it was through the Prophet, Joseph Smith, Jr. I do not know, but Taylor not get all the law of the Church bound up in the covers of these books?

Senator Smoot—As to the doctrine, perhaps so.

Mr. Taylor—Then, are there other revelations, not promulgated?

Senator Smoot—Not that I know of, Mr. Taylor.

Mr. Taylor—Well, what do you say about this endowment ceremony? Do you understand that that proceeded from God?

Senator Smoot—I have heard it so taught.

Senator Smoot—Yes.

Mr. Taylor—Has it been approved by the Church in conference?

Senator Smoot—That I can not say.

Mr. Taylor—Do you understand that it ever was?

Senator Smoot—Well, they were started in the early days of the Church. I do not know, but Taylor not get all the law of the Church bound up in the covers of these books?

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question, I simply wanted to know of the Senator whether he agreed with that interpretation, and I understand he does not.

Mr. Woodruff, who received the manifesto, testified as follows:

"Q.—Did you intend to confine this declaration (the manifesto) solely to the forming of new relations by entering new marriages?"

"A.—I don't know that I understand the question."

"Q.—Did you intend to confine your declaration and advice to the Church solely to the forming of new marriages, without touching on that which were existing—plural marriages?"

"A.—The intention of the proclamation was to obey the law myself—all the laws of the land—on that subject, and expecting the church would do the same."

Senator Smoot—I remember that.

The Chairman—Do you agree with that?

Senator Smoot—I agree with that as his interpretation.

The Chairman—Yes; is it yours?

Senator Smoot—Not from the wording of the manifesto.

The Chairman—Well, either in wording or the spirit, is that your interpretation?

Senator Smoot—I do not know as to the spirit, I am sure, what he thought of.

The Chairman—What do you think?

Senator Smoot—I can not say. An I can say is this, judging from the ruin of the Church.

The Chairman—Then, independent of that, have no construction to put upon this manifesto?

Senator Smoot—Any further than just what the manifesto says itself.

The Chairman—From that standpoint, is it probable polygamous cohabitation, do you?

Senator Smoot—It did not in the manifesto.

The Chairman—What is that?

Senator Smoot—The manifesto did not say that.

The Chairman—And you so regard it today?

Senator Smoot—Taking the manifesto to itself, I regard it that way.

The Chairman—That is all.

Mr. Taylor—Excuse me. I lost a memorandum, which I have found, and there is just one question which I want to ask you, Senator—about the filling of vacancies in the Apostles?

Senator Smoot—In the Apostles' quorum?

Mr. Taylor—In the quorum of Twelve, yes. And how did you say the vacancy was filled?

Senator Smoot—Merely by the nomination by the President of some member of the quorum and then the vote of the quorum.

Mr. Taylor—Is it not a fact that the Apostles can fill that vacancy instead of the President?

Senator Smoot—There never have been since I have been here.

Mr. Taylor—I did not ask that. I am speaking about the power.

Senator Smoot—Well, I do not understand it.

Mr. Worthington—Now, on this question of the authority of the church, do you know it is true that on the very matter of polygamy members of the Church have publicly and openly announced that they did not believe in the principle of polygamy?

Senator Smoot—Yes; I know there have been members of the Church who do it.

Mr. Worthington—Did you hear President Smith testify that they had said that to him?

Senator Smoot—I did.

Mr. Worthington—Did you ever hear of anybody being disciplined, or expelled from the church for that promulgation?

Senator Smoot—I never have.

Mr. Worthington—I think you testified that in the performance of their duties they were to be guided by the Doctrine and Covenants and the Manifesto.

Senator Smoot—Yes; I testified so.

Mr. Worthington—Do you not also have all the standard books of the Church? Are they supposed to have?

Senator Smoot—They have them all, the King James translation of the Bible and the Doctrine and Covenants, the Book of Mormon, and the Pearl of Great Price.

Mr. Worthington—The Book of Mormon contains a paragraph which prohibits polygamy, I believe?

Senator Smoot—No, I do not construe it that way.

Mr. Worthington—The Bible has certain passages which relate to a man having more than one wife?

Senator Smoot—Yes, sir.

Mr. Worthington—They have them all?

Senator Smoot—They have them all, every performance of the work of a missionary in your Church, does he hand the Doctrine and Covenants to people with whom he is talking, so that they have the book?

Senator Smoot—They do so.

Mr. Worthington—And it is so with the other books, is it?

Senator Smoot—Unless they ask to purchase them, or something like that, they will not give them.

Mr. Worthington—You do not take this volume of the Doctrine and Covenants, which contains general information about celestial marriage and polygamy, and distribute that around to the children of the church, or any of them, contained in that pamphlet?

Senator Smoot—Are you speaking of the religion classes?

Mr. Worthington—Yes.

Senator Smoot—No; I never was present.

Mr. Worthington—Mr. Taylor read a few from the list of the persons whose names are on the list, and he gave to the children of the church, and in their order, and ask you about them. The first one is President Smith. He happens to be the head of the Church, does he not?

Senator Smoot—Yes.

Mr. Worthington—The next one is John R. Winder. He is the first counselor, is he not, to the President?

Senator Smoot—Yes.

Mr. Worthington—The next is George Teasdale.

Senator Smoot—Yes.

Mr. Worthington—And so of Grant and Taylor, Merrill and Cowley?

Senator Smoot—Yes.

Mr. Worthington—The next is Abraham H. Lund. He is the second counselor to the President?