

A PLEA FOR RELIGIOUS LIBERTY.

A Speech Delivered Against the Callom Bill, by Hon. W. H. Hooper, in the House of Representatives, Washington D. C.

Mr. Speaker: I wish to make a few remarks concerning the extraordinary bill now under consideration. While so doing, I crave the attention of the House, for I am here, not alone as one of the people sought to be cruelly oppressed; not only as the Delegate representing Utah; but as an American citizen, to utter my solemn protest against the passage of a bill that aims to violate our dearest rights, and is fraught with evil to the Republic itself.

I do not propose to occupy the time of the House by dwelling at length upon the vast contributions of the people of Utah to the wealth of the nation. There is no member of this House who does not recollect in his school-boy days the vast region west of the Rocky Mountains, characterized in the geographies as the "Great American Desert." "There," said those voracious text-books, "was a vast region wherein no man could live. There were springs and streams, upon the banks of which could be seen the bleaching bones of animals and of men, poisoned from drinking of the deadly waters." Around the borders of this vast desert, and in its few habitable parts, roamed the painted savages, only less cruel and remorseless than the desert itself.

In the midst of this inhospitable waste to-day dwell an agricultural, pastoral, and self-sustaining people, numbering 120,000 souls. Everywhere can be seen the fruits of energetic and persistent industry. The surrounding mining Territories of Colorado, Idaho, Montana, Arizona, and Nevada, in their infancy, were fed and fostered from the surplus stores of the Mormon people. The development of the resources of these mining Territories was alone rendered possible by the existence at their very doors of an agricultural people, who supplied them with the chief necessities of life at a price scarcely above that demanded in the old and populous States. The early emigrants to California paused on their weary journey in the redeemed wastes of Utah, to recruit their strength and that of their animals, and California is to-day richer by thousands of lives and millions of treasure, for the existence of this half-way house to Eldorado.

To the people of Utah, therefore, is to be attributed no inconsiderable part in the production of the vast mineral wealth which has poured into the coffers of the nation from our mining States and Territories.

This, however, is but a tithe of our contributions to the nation's wealth. By actual experiment we have demonstrated the practicability of redeeming these desert wastes. When the Pacific slope and its boundless resources shall have been developed; when beyond the Rocky Mountains 40,000,000 of people shall do homage to our flag, the millions of dwellers in Arizona, Nevada, Idaho, Colorado, and Montana, enriched by the products of their redeemed and fertilized deserts, shall point to the valley of Great Salt Lake as their exemplar, and accord to the sturdy toilers of that land due honor, in that they inaugurated the system and demonstrated its possible results. These results are the offering of Utah to the nation.

When Robert Fulton's first steamboat moved from New York to Albany, so far as concerned the value of the vessel, he had made scarce a perceptible addition to our merchant marine; but the principle, the practicability of which he then demonstrated, was priceless, and enriched the nation more than if she had received the gift of the vessel, built from and loaded with solid gold.

I will not, Mr. Speaker, trespass upon the time of the House by more than thus briefly advertising to the claims of Utah to the gratitude and fostering care of the American people.

For the first time in the history of the United States, by the introduction of the bill under consideration, a well-defined and positive effort is made to turn the great law-making power of the nation into a moral channel, and to legislate for the consciences of the people.

Here, for the first time, is a proposition to punish a citizen for his religious belief or unbelief. We have before us a statute-book designating crimes. To restrain criminal acts, and to punish the offender, has heretofore been the province of the law, and in it we have the support of the accused himself. No

man comes to the bar for trial with the plea that the charge upon which he is arraigned constitutes no offence. His plea is, "not guilty." He cannot pass beyond and behind the established conclusions of humanity. But this bill reaches beyond that code into the questionable world of morals—the debatable land of religious beliefs; and, first creating the offence, seeks with the malignant fury of partisan prejudice and sectarian hate to measure out the punishment.

The bill before us declares that that system which Moses taught, that God allowed, and from which Christ, our Savior, sprung, is a crime, and that any man believing in it and practicing it—I beg pardon, the bill, as I shall presently show, asserts that belief alone is sufficient—that any one so offending shall not be tried, but shall be convicted, his children declared bastards, his wives turned out to starve, and his property be confiscated, in fact, for the benefit of the moral reformers, who, as I believe, are the real instigators in this matter.

The honorable member from Illinois, the father of this bill, informs us that this is a crime abhorred by men, denounced by God, and prohibited and punished by every State in the Union. I have a profound respect for the motives of the honorable member. I believe he is inspired by a sincere hostility to that which he so earnestly denounces. No earthly inducement could make him practice polygamy. Seduction, in the eyes of thousands, is an indiscretion, where all the punishment falls upon the innocent and unoffending. The criminal taint attaches when the seducer attempts to marry his victim. This is horrid! This is not to be endured by man or God, and laws must be promulgated to prevent and punish.

While I have this profound regard for the morals and motives of the honorable member I must say that I do not respect, to the same extent, his legal abilities. Polygamy is not denounced by every State and Territory, and the gentleman will search in vain for the statute or criminal code of either defining its existence and punishment. The gentleman confounds a religious belief with a criminal act. He is thinking of bigamy when he denounces polygamy, and in the confusion that follows, blindly strikes out against an unknown enemy. Will he permit me to call his attention to the distinction? Bigamy means the wrong done a woman by imposing upon her the forms of matrimony while another wife lives, rendering such second marriage null and void. The reputation and happiness of a too confiding woman is thus forever blasted by the fraudulent acts of her supposed husband, and he is deservedly punished for his crime. Polygamy, on the contrary, is the act of marrying more than one woman, under a belief that a man has the right, lawfully and religiously, so to do, and with the knowledge and consent of both the wives.

I suppose, Mr. Speaker, that in proclaiming the old Jeffersonian doctrine that that Government is best which governs least, I would not have even a minority upon this floor. But when I say that in a system of self-government such as ours, that looks to the purest democracy, and seeks to be a government of the people, for the people, and by the people, we have no room for the guardian, nor, above all, for the master, I can claim the united support of both parties. To have such a government, to retain such in its purest strength, we must leave all questions of morals and religion that lie outside the recognized code of crime to the conscience of the citizen. In an attempt to do otherwise than this, the world's abiding places have been washed with human blood, and its fields made rich with human bones. No government has been found strong enough to stand unshaken above the throes of religious fanaticism when driven to the wall by religious persecution. Ours, sir, would disappear like the "baseless fabric of a vision" before the first blast of such a convulsion. Does the gentleman believe, for example, that in aiming this cruel blow at a handful of earnest followers of the Lord, in Utah, he is doing a more justifiable act than would be, in the eyes of a majority of our citizens, a bill to abolish Catholicism, because of its alleged immorality; or a law to annihilate the Jews for that they are Jews, and therefore obnoxious? Let that evil door once be opened; set sect against sect; let the Bible and the school books give place to the sword and the bayonet, and we will find the humanity of to-day the humanity of the darker ages, and our beautiful Government a mournful dream of the past.

This is not only philosophically true, but, sir, it is historically a fact. In making the appeal, I stand upon the very foundation stone of our constitutional Government. That they might worship God in accordance with the dictates of conscience, the fathers fled from their homes in Europe to the wilds of America. For this they bore the fatigues or perished in the wilds of a savage-haunted continent; for this they poured out their blood in wars, until every stone in the huge edifice that shelters us as a nation is cemented by the blood of the martyr. Upon this, however, I need not spend my time or yours; a mere statement of the proposition is a conclusive argument from which the people, in their honest instincts, will permit no appeal. In our Constitution, perfect and fresh as ever, we have a clause that cannot be changed and leave a vestige of a free government. In the original instrument we find this language: "No religious test shall ever be required as a qualification to any office or public trust under the United States." But this was not considered sufficiently comprehensive for a free people, and subsequently we find it declared, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Upon the very threshold of my argument, however, I am met by the advocates of this extraordinary bill with the assumption that polygamy is not entitled to be considered as a portion of our religious faith; that under the Constitution we are to be protected and respected in the enjoyment of our religious faith, but that we are not entitled to consider as a portion thereof the views held by us as a people in reference to the marriage relation. One eminent disputant, as an argument, supposes a case where a religious sect might claim to believe in the rightfulness of murder, and to be protected in that right. This is not in any sense a parallel case. Murder, by all law, human and divine, is a crime; polygamy is not. In a subsequent portion of my remarks, I shall show, that not only by the authority of the Old Testament writers, but by numerous leading writers of the Christian church, the doctrine of polygamy is justified and approved. The only ground upon which any argument can be maintained that our views of the marriage relation are not to be considered as a portion of our religious faith, is that marriage is a purely civil contract, and therefore outside the province of religious doctrine. No sect of Christians can, however, be found who will carry their beliefs to this extent. The Catholic church, the most ancient of the Christian churches, and among the most powerful in numbers of the religious denominations of our country, upon this point is in accord with the Mormon church. Marriage, according to the faith of the Catholic church, is one of its sacraments; is not in any sense a civil contract, but a religious ordinance, and the validity of a divorce granted by a civil court is denied. And not in any Christian church is the marriage placed on a par with other civil contracts—with a swap of horses or a partnership in trade. It is a civil contract, in that a court of equity, for certain specified causes, may dissolve it; but not otherwise. Upon the marriage contract is invoked the most solemn sanctions of our Christianity; the appointed ministers and servants of God, by their presence and aid, give solemnity and efficiency to the ceremonial, and upon the alliance is invoked the Divine guidance and blessing. To most intents and purposes, with every Christian denomination, the marriage ceremony is regarded as a religious ordinance. Upon this point, therefore, and a vital point in the discussion of the question before us, the Catholic church in fact, and the other religious denominations in theory and usual practice, are with the Mormons in their position, that the supervision and control of the marital relation is an integral and essential portion of their religious faith and practice, in the enjoyment of which they are protected by the Constitution.

The Mormon people are a Christian denomination. They believe fully in the Old and New Testaments, in the divinity of Christ's mission, and the upbuilding and triumph of His church. They do not believe, however, that light and guidance from above ceased with the crucifixion on Calvary. On the other hand, they find that in all ages, whenever a necessity thereof existed, God has raised up prophets to speak to the people, and to manifest to them His will and requirements. And they believe that Joseph Smith was such a prophet; that the time had arrived when there was a necessity for further revelation, and through Joseph Smith it was given to the world.

Upon this point of continuous revelation, which is really one of the turning points of the controversy, we are in accord with many of the most eminent divines of the Christian church, and with the most earnest and vigorous thinkers of our own day.

Upon the departure of the Pilgrim Fathers from Holland for America, the Rev. John Robinson, their beloved pastor, preached a farewell sermon, which showed a spirit of mildness and tolerance truly wonderful in that age, and which many who claim to be ministers of God would do well to imitate in this:

"Brethren, we are quickly to part from one another, and whether I may ever live to see your faces on earth any more, the God of heaven only knows; but whether the Lord hath appointed that or not, I charge you, before God, and His blessed angels, that you follow me no further than you

have seen me follow the Lord Jesus Christ. If God reveal anything to you by any other instrument of His, be as ready to receive it as you were to receive any truth by my ministry; for I am fully persuaded, I am very confident, that the Lord has more truth yet to break forth out of His holy word.

"For my part, I cannot sufficiently bewail the condition of the reformed churches, who are come to a period in religion, and will go at present no further than the instruments of their reformation. The Lutherans cannot be drawn to go beyond what Luther saw. Whatever part of His will our good God has revealed to Calvin, they will rather die than embrace it; and the Calvinists, you see, stick fast where they were left by that great man of God, who yet saw not all things.

"This is a misery much to be lamented, for though they were burning and shining lights in their times, yet they penetrated not into the whole counsel of God; but were they now living, would be as ready to embrace further light as that which they first received. I beseech you to remember that it is an article of your church covenant, that you shall be ready to receive whatever truths shall be made known to you from the written word of God."

And, says Ralph Waldo Emerson, in one of his most golden utterances, "I look for the hour when that supreme beauty which ravished the souls of those Hebrews, and through their lips spoke oracles to all time, shall speak in the West also. The Hebrew and Greek Scriptures contain immortal sentences that have been the bread of life to millions. But they have no epical integrity; are fragmentary; are not shown in their order to the intellect. I look for the new Teacher that shall follow so far these shining laws that he shall see them come full circle; shall see their rounding, complete grace; shall see the world to be the mirror of the soul."

Conceding, therefore, that new revelations may be at all times expected in the future of our race, as they have been at all times vouchsafed in the past, and the whole controversy ends. A man has arisen named Joseph Smith; he claims to be a prophet of God, and a numerous community see fit to admit the justice of such claim. It is a religious sect; it has to-day vindicated its right to live by works and sacrifices which are the admiration even of its enemies. It brings forward certain new doctrines; of church government; of baptism, even for the dead; of the marriage relation. Upon what point is it more probable that light would be given to our race, than upon the marriage relation? The social problem is the question of the age. The minds of many of the foremost men and women of our day are given to the study of the proper position and relations of the sexes. The wisest differ—differ honestly and unavoidably. Endless is the dispute and clamor of those honestly striving to do away with the social evil; to ameliorate the anomalous condition of the wronged and suffering women of to-day. And while this is so; while thousands of the good and pure of all creeds and parties are invoking the Divine guidance in their efforts for the good of our fallen humanity, is it strange that the Divine guidance thus earnestly besought should come—that the prayers of the righteous be answered? The Mormon people believe that God has thus spoken, that through Joseph Smith he has indicated the true solution of the social questions of our day; and while they persecute or question no man for differing honestly with them, as to the Divine authority of such revelation, they firmly insist that in their following of what they believe to be the will of God, they are entitled to the same immunity from persecution at the hands of the Government, and to the same liberty of thought and speech, wisely secured to other religious beliefs by the Constitution.

Upon the point whether polygamy can properly be considered as a part of our religious faith and practice, I beg leave humbly to submit, sir, that the decision rests solely on the conscience and belief of the man or woman who proclaims it to be a religious belief. As I have said, it is not numbered among the crimes of that code recognized by all nations having any form of government under which criminals are restrained or punished, and to make it such, a new code must be framed. My people proclaim polygamy as a part of their religious belief. If they are honest in this, however much they may be in error, they stand on their rights under the Constitution, and to arrest that error you must appeal to reason, and not to force. I am here, not to argue or demonstrate the truthfulness of their faith; I am not called upon to convince this honorable House that it is either true or false; but if I can convince you that this belief is honorably and sincerely entertained, my object is accomplished.

It is common to teach, and thousands believe that the leaders of the sect of Latter-day Saints, popularly known as Mormons, are hypocrites, while their followers are either ignorant, deluded men and women, or people held to their organization by the vilest impulses of lust. To refute these slanders, I can only do as the earlier Christians did, point to their sufferings and sacrifices, and I may add, the unanimous testimony of all, that aside from what they consider the objectionable practice of polygamy, my constituents are sober, moral, just, and industrious in the eyes of all impartial witnesses. In this community, removed by long reaches of wastes from