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THE "MORAL" ANTI-"MORMON" CRUSADE.

NOTWITHSTANDING the intense prejudice of the press and the country against the people of Utah, leading to an obscurity of mental vision which prevents the observance of material facts, and thus renders almost impossible a fair and correct judgment, there is one thing which we think will be made apparent to all who pay attention to passing events, and that is that the "moral" crusade against the "Mormons" has really nothing to do with morality.

In ruling upon the third section of the Edmunds law, the Federal Courts in Utah, prompted by the specious pleadings of the United States District Attorney and his assistants, declared that sexual immorality was not the object aimed at in the law, but it was directed solely against the cohabitation of men with their plural wives; that the term cohabitation with more than one woman, which is the offense named in the law, did not mean such cohabitation outside of the marriage relation; in other words, that it was specially designed to apply to "Mormons" who had married more wives than one, and not to "Gentiles" who consorted with any number of women outside of the marriage relation. It was further declared, judicially, that Congress had no intention, in passing that law, to legislate against common sexual sins—that they were left to the local laws.

In the prosecution of men who had married wives according to their religious faith, no means, however unworthy of our age and institutions, have been left unused to hunt men down, to intimidate their wives and children into giving testimony against them, to glean the gossip and scandal of neighbors, to pry into private affairs, to set spotters to watch the houses of the suspected, to search their houses, intrude into women's bedchambers, and to render the adage that "every man's house is his castle" an obsolete and delusive saying.

Before grand juries and in open court, ladies have been plied with intricate questions and forced to answer them on pain of imprisonment. Several of them have been confined in the penitentiary for declining to answer as to the fathers of their children. The private relations of husbands and wives have been exposed in open court, and things that should be kept secret have been laid bare to the light of day in the eyes of the public.

In pronouncing sentence, no mercy has been shown to men who have undoubtedly acted from conscientious motives and religious belief, even when they pleaded guilty to the offense charged as construed by the ruling of the courts, and the full penalty of the law has been enforced, except where men agreed to repudiate the wives whom they had vowed before God to cherish through all time and throughout eternity, or to regard the ruling of a court which had been changed from one view to another as higher than the unchangeable law and will of the Eternal.

But mark the difference when real sexual immorality and unmistakable vice and debauchery were assailed by the local laws. Men against whom the most complete and unimpeachable evidence had been obtained, proving beyond doubt their indulgence in crimes against law, society and decency, are aided to escape from the legal consequences of their acts. A Federal official whose guilt could be demonstrated beyond dispute was taken from the local officers, kept out of court when his case was taken up on *habeas corpus*, still kept free when he should have been before the Justice after being remanded from the higher court, and then turned loose on an appeal to the Supreme Court, before any trial of the case on its merits has been had, with the probability of indefinite postponement.

We dislike to mention in the same breath or in the same article, the name of a gentleman above reproach, and that of a person who is naturally regarded with detestation, but we wish to draw a contrast. Angus M. Cannon, for eating at the same table with a plural wife to whom he had been united for many years, although proof was offered that he had not shared her chamber since the passage of the Edmunds Act, was sent to the penitentiary among felons for six months, and mulcted in the sum of three hundred dollars, an appeal to the Supreme Court of the United States being denied him. He is a "Mormon" minister, of prominence in his Church and of excellent standing and reputation in society. Oscar Vandercook, charged

with resorting to a house of ill-fame for lewdness, the charge backed by testimony conclusive and complete, is protected by Federal authority, turned loose without trial and immediately granted an appeal to the highest court, out of the regular order—skipping the Supreme Court of the Territory, so that he may keep his case from investigation perhaps for years. He is a United States deputy marshal, notorious for hunting "Mormons" and raiding their houses.

In order to put into effect the local laws against sexual crimes, noted frequenters of houses of ill-fame, who had been seen to enter those haunts of iniquity, were watched at their lewd and lascivious practices, in order that they might be prosecuted. It was the only way by which their guilt could be proven beyond question. It was disgusting business, no doubt. But which was the most disgusting, the detection of their bestiality or the acts which were witnessed? But mark the course of those who are waging the moral crusade against the "Mormons." In order to cripple the prosecution of those lechers by the local laws, the machinery of the Federal court is set at work to punish the detector of crime so that the criminals may go free? The men who planned to expose and punish by local law the supporters of prostitution are indicted for "conspiracy," while the befouled cohabiters with harlots, the polluted divers into the slime of base lust are shielded from the penalty of their guilt.

Say, priests and editors who are urging this crusade against the "Mormons" on moral grounds, what do you think of this kind of morality? Stamp upon polygamy, cherish prostitution! No mercy for a "Mormon" who conscientiously marries and supports two or three wives and their children, but protection and relief and freedom for the libertine and the lecher. All the power of the Federal arm in Utah must be strained to smite and bind and trample upon the loved and loving husband who cares for a plural family, living strictly to his covenants with them and his God, but the same arm must be thrown carelessly around the sinner against his own convictions, the violator of his marriage vows, the consort of prostitutes, the criminal against law, society and heaven. Can you wonder if the Latter-day Saints who are watching these things are convinced that all the pretended moral motives of their persistent persecutors are but a pretext and a sham?

Since the foregoing article was written we have learned of the Varian-Zane *coup d'état*, in aid of the persons convicted of lewdness most vile in the court of Justice Speirs. Particulars will be found in our local columns. They further support the position we have taken. They show how much morality figures in the prosecution and prosecutions of the "Mormons."

Let the case be clearly understood. It was tried and appealed from the lower court last Friday. With eager haste the Assistant Prosecuting Attorney hurried it before the District Court. It was brought up unexpectedly, to the public, this morning. The person convicted has figured in the same Federal position as Mr. Varian. Whether Mr. Varian has figured in some of the positions taken by Mr. Lewis we shall leave for the present. The evidence against the latter was complete. No attempt was made to weaken, deny or rebut it. All the particulars, the disgusting acts and prurient conversation, have not been published; they were too vile for production in print. The culprit appealed to the District Court. The public prosecutor refuses to prosecute. Why? Is the evidence faulty? Cannot the facts be proved? Is there any doubt at all of the guilt of the accused? No. But a man who set himself to work to expose and bring to punishment the bestial debauchees of this city is indicted by the grand jury for doing that detective work, and the attorney prefers to prosecute him rather than the persons detected and proven guilty on testimony direct and unimpeachable enough to convict beyond question.

Are not these highly "moral" grounds? Is it not clear now that the lecherous and the depraved are to be kept free by Federal authority, not only from the workings of the Edmunds law, but also from the operations of the local laws? The city ordinance against such crimes as these persons have committed was pronounced invalid. The Territorial statute was too strong to be broken down in that way. But the public prosecutor can refuse to prosecute and the judge can coincide with his protection of the accused, and so neither local nor Federal law can be made available against the male prostitutes.

Of course not. It is only the "Mormons" who are to be assailed. It is these people who think they are doing right who are to be punished. Those who know they are doing wrong must not be touched. Shut up the "Mormon" in jail. Cut off his hair and beard, clothe him in a zebra suit, make him mix with felons of the darkest dye, impoverish his home and let his wives and children be exposed to the evils of this world. But be careful of the bawd's companion, the harlot's mate, the Cyprian's bedfellow. Give him the law's best aid. Let not a hair of his head be harmed. Sit down on any provision that will reach him. Prosecute those who prosecute him, and let all who speak against his foul fame be threatened with personal vengeance.

The facts in these cases, barring the indecent details, should be telegraphed all over the country. It ought to be known how debauchery is protected and vice is encouraged. Many people think the cause of morality is being promoted by the vigorous prosecution of the "Mormons." No such thing. Homes are being desolated, but bagmosses are encouraged. Good men and true, however mistaken they may be considered, are being thrust into prison and notorious profligates are sheltered by the officers of the law. Federal authority in Utah is being prostituted and all respect for those who wield it is fast departing. Shame, deep and unutterable, covers the course of so-called justice, and it will blast the fame of the present Administration unless some change is made in the interest of outraged law and violated morality.

OUR DELEGATE SPEAKS OUT.

In another part of this paper will be found a letter from Hon. John T. Caine to President Grover Cleveland. It has the right ring to it. The blame of the President's deception is placed where it belongs. The readers of the News can see now for certain who sent the lying telegrams that caused the soldiers to be sent here. As our Delegate intimates, we do not object to the troops, we only object to being slandered. A few more troops, more or less, makes no difference except that a few more dollars or less flow into the pockets of the producers and merchants. But the damage done to the material interests of the Territory by the libels that are uttered through the press and by the telegraph by scheming adventurers is simply incalculable.

We commend the Delegate for his outspoken communication. This should be followed up. There are others who could help to remove the false impression made by cowardly maligners, if they would also speak out. These are not times for silence. Slander has been allowed to go unrebuked and unrefuted. People think they may lie about the "Mormons" with impunity, for scarcely any one attempts to deny the libels or call them to account. The heads of the nation are approached and deceived and but little is done to correct the false impressions. It is the duty of every true friend of Utah to expose her calumniators and defend her against those who defame her. Truth is mighty, and must prevail.

THE ARRESTS SHOULD GO ON.

The organ of the lechers, like the counsel for Vandercook, wants to intimidate the officers who are engaged in the prosecution of the male prostitutes. Read this from its editorial remarks of Sunday:

"The writer of this heard a gentleman say yesterday: 'I have a wife and children. My life has been an open book always. I have never done anything that I would not be willing for all the world to know. If, now, on the word of a prostitute, backed by the words of some hired or volunteer Mormon spotters and pimps, some man swears out a complaint against me, linking my name with the nastiness which fills these streets, I will kill that man, so help me God!'"

No man who has "never done anything he is willing all the world should know," is in any danger from the police prosecutions. It is only those who have been frequenting houses of ill fame and have been seen in their vile deeds who have occasion to fear. Men who talk like that which is quoted above are not the pure beings they pretend to be. We will be as forward as any one in calling for the punishment of any one who tries to blast the character of an honorable citizen, be he "Mormon" or "Gentile," Mahomedan or Jew. Such gentlemen are not in fear, for they know they are not in danger. They have not been seen practicing the vilest immorality.

But for the beasts who have been detected we want no concealment. The proceedings to stop their exposure ought not to prevail. They should be prosecuted as the law requires, in the Justice's Court; and if the Federal courts like to set them free, and would rather punish the detectives than the detected, let the responsibility lie with them. But let not the local officers neglect their duty in the enforcement of the local laws. Let the lechers be exposed, and let all those who threaten and bluster understand that no one cares a cent for all they can say or do. The arrests should go on.

HOW IT IS VIEWED.

If the tone of the press generally is to be regarded as a fair index of the sentiment of the people of this nation, the conclusion is irresistible that what the lecher's apologist, *alias* the Salt Lake Tribune, denominates "one of the common vices of humanity" is generally looked upon very lightly, or else the hatred for the "Mormons" is so intense as to overshadow every other consideration in connection with it. The burden of the telegrams sent to

all parts of the country by the dispatch fiend of this city for several days was that the "Mormons" had been conspiring to entrap unsuspecting officials by means of decoys in the shape of lewd women. The statement was accepted, as every other against the "Mormons" is, without question, and a howl of indignation against the "conspirators" and a general demand for speedy vengeance upon the whole body of the "Mormons" went forth from the press of all parts of the Union, but not a word against the "weak and vicious" Federal officials whose lewdness had been detected. But we must make at least one exception to the general rule. The St. Joseph Gazette comes down upon the skulking class who seek to blame the "Mormons" or rather the wives of women for their abominable practices in the following vigorous style:

"Ever since Adam ate the apple which brought sin upon the earth, and then accused his wife of having tempted him to his undoing, man has always been swift to accuse the woman. A man sins and lies; a woman sins and carries her scarlet secret to the grave. A man boasts of his amours over his wine; a woman would cut her tongue out before she would speak a word. Push a man to the wall and he whines like a puppy; do the same to the woman and she turns at bay like some hunted wild beast. Surprise a man at his trysting and he will run like a coyote; surprise a woman and she will face a regiment. No wonder, therefore, that when the fornicators and the adulterers were stoning a woman to death, the blessed Christ, who knew man so well, shamed them to forbearance by reminding them that they were reeking all over with illicit sin."

"Male human nature in this respect had a vivid illustration the other day among the Edmunds officials of Utah. They had been pressing the Mormons sorely on account of their polygamous practices, when all of a sudden the Mormons turned about and began to hunt their hunters. Some villainous practices were proved up against the Gentiles. Despising the very name of Mormon, they yet had been doing things that would put to shame the most beastly Mormon in the Territory. Professing and vaunting monogamy as a virtue, some of them appear to have had as many concubines as there were lewd women to be encompassed."

As usual, the adulterers whined, and put it upon the woman. They were tempted, they said. Their enemies, the Mormons, they said, had set traps for them. They would not have gone into them if they had not been baited each with a beautiful woman.

"Out upon such poltroonery and want of common manhood. What matters it how they were tempted if they did not have virtue enough to resist? Who cares how many traps the Mormons spread for them if the honor of the government was to be compromised through the embraces of the harlots hired to do the work? What hope is there for breaking up the accursed vice of polygamy if those sent to break it up are not clean in their morals, and irreproachable in their private life? President Cleveland should look closely after the unclean set of federal officials in Salt Lake City, and permit no cowardly hiding behind the petticoats of a woman to save them from merited disgrace."

WHAT IS UNLAWFUL COHABITATION.

The meagre associated press report of the decision of the Supreme Court of the United States in the Cannon appeal case, does not warrant any very extended comment. The decision of the lower courts is sustained, and the doctrine is now judicially established for the first time in history, that unlawful cohabitation does not comprehend unlawful sexual intercourse.

The new theory has been invented specially for "Mormon" cases. Its purpose is an indirect assault on something that could not be attacked directly. The Edmunds Act was special legislation against the "Mormons." It has been construed in the spirit of its framing. Excited public feeling led to the passage of the Act. A similar influence has prevailed in its consideration by the Court. Popular prejudice has been more powerful than long established precedents, and a strained construction of the law has taken the place of the commonly accepted interpretation of simple language.

We notice that there is yet much misunderstanding of the Dickinson definition, now sustained by the highest judicial authority, of the offense called cohabiting with more than one woman. It is supposed that this consists simply of "holding out two or more women as wives." The rulings of the Courts here have been so confusing, and contradictory, and inconsistent, that it is no wonder people should be rather bewildered. Under the ruling of the Supreme Court, "holding out" is not sufficient to constitute an offense against the law. Neither is living with two or more women sufficient. It is "living with more than one woman as wives," that is, living with and holding them out as wives that constitutes the offense. Both are requisite, neither is sufficient alone.

Thus, if a man has more wives than one and acknowledges they are his wives but does not live with them or

only lives with one of them, he does not break the law. If he lives in the same house with any number of women, and they are not his wives, or he does not hold them out as his wives by his language or conduct, he does not break the law. Neither does he violate the Edmunds law if he has sexual intercourse with any number of women, but does not acknowledge, represent, or "hold them out" as his wives. "Meretricious unmarried intercourse with more than one woman," the court says, is not forbidden by that law. The acts of the accused must have the "outward semblance" of polygamy, "the outward appearance of the continuance of the relations that existed before the Act was passed," to bring them within its purview.

Thus the law is made to act specially in the cases of "Mormons" who contract or have contracted plural marriage, but does not apply and is not intended to apply to cases of "Gentiles" who practice any amount of debauchery outside of the marriage relation. It is not a law in the interest of morality, it is a special Act against "Mormon" plural marriage. If a "Mormon" repudiates his plural wives he may treat them as mistresses, so that he does not live with them, and the Edmunds law will not touch him. The fact that the law was not enacted against common sexual immorality is now placed beyond question. We hope the clerical, editorial and other sanctimonious promoters of the measure feel all the pleasure to which they are entitled, over their highly moral endeavors.

The objections to the indictment, that it did not charge that the defendant was a "male person" as required by the statute, nor that he had cohabited with two women as his wives, do not appear to have been passed upon on their merits by the Court. It is decided that they could not be urged after pleading, but should have been interposed by way of demurrer, therefore the Court has not considered them in the opinion.

In the absence of a full report it is difficult to understand whether the Court has given any rule to govern the conduct of men with plural families more than the dictum that they must not cohabit with more than one woman. But as the Solicitor General coincided with Mr. Richards, the counsel for the defendant, in the expressed wish that the Court would define explicitly what the law requires on this point, it is possible that something more definite will be found in the full text of the decision.

The report says that both Justices Miller and Field dissented from the opinion. The remarks of Justice Miller we believe will be endorsed by every lawyer in both hemispheres, if they express their unbiased views and are not swayed by the unjudicial influences of policy and expediency. We are perfectly satisfied that the supposed necessity of continuing the pressure which it is thought is being brought to bear on polygamy, had far more weight on the minds of the Court than strictly legal interpretations of the wording of the statute. Judge Miller's words, with which we close this article, will stand as an honest and fearless expression of a jurist unswayed by the shifting and uncertain force of popular opinion; he says:

"I think the act of Congress, when prohibiting cohabitation with more than one woman, meant unlawful habitual sexual intercourse. It is, in my opinion, a strained construction of a highly penal statute, to hold that the men can be guilty under that statute, without the accompaniment of actual sexual connection. I know of no instance in which the word 'cohabitation' has been used to describe a criminal offense when it did not imply sexual intercourse."

AN UNPRECEDENTED SPECTACLE.

The spectacle afforded by Prosecuting Attorney Varian in the Third District Court on Monday was certainly unique. Never before, we believe, has a public prosecutor defiantly proclaimed, in open court, his refusal to bring to trial a number of persons convicted in a lower court of flagrant crimes on testimony direct, ample, conclusive and unimpeachable.

He did not claim, neither has it been claimed by any one, that his friend, the Assistant District Attorney, or the other persons convicted are not guilty of the charges against them. Nothing has been offered by way of rebuttal of the evidence adduced. No attempt is made to deny the disgusting facts. But the whole force of the Attorney's battery of abuse was turned upon the individuals who were instrumental in bringing the libertines to justice. They were castigated with the full lash and venom of his tongue. They were in his eyes the only persons worthy of the law's vengeance.

As for the creatures who wallowed in filthiness and undoubtedly violated the law as well as every instinct of purity and decency, they were denominated "victims." Poor guileless creatures! Noted for their libidinous habits, when measures were devised to detect them, and they were caught, they became so innocent that the law must not touch them, except to shield them from the wicked men who found them out in their foulness.

Mr. Varian announced as among the "facts in his knowledge" that for some years the law under which the liber-