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THE UTAH COMMISSION.

In the House of Representatives, July 14th, the report of the committee on appropriations being under consideration, Mr. Forney who had the report in charge, yielded ten minutes to the delegate from Utah to speak on the appropriation for the Utah Commission. As reported in the *Congressional Record* he said:

Mr. Speaker, I have taken no part in the discussion upon this proposition to abolish the Utah Commission; but now that it is proposed to restore this body I feel, in justice to myself and to my constituents, that I should be heard for a few moments.

The board known as the Utah Commission, to which the paragraph under consideration refers, was created by the act of Congress of March 22, 1882, commonly called the "Edmunds anti-polygamy law." The eighth section of that act reads as follows:

That no polygamist, bigamist or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.

The object aimed at by this provision is clearly expressed in the language of the section; it was to disfranchise all polygamists and prohibit them from voting and holding office in the Territory of Utah.

It was asserted at that time, and generally believed, that many of the offices in Utah were held by polygamists, and in order that the law might be put into immediate effect the ninth section vacated all the election offices in the Territory, and provided how they should be filled.

This is the language of the section: (Mr. Caine read the sections of the Edmunds act relating to the Commission.)

The board of five persons referred to in this section soon became known as the "Utah Commission." Their duties were clearly defined by law. They were empowered to appoint all registration and election officers, canvass the returns, and control the entire election machinery of the Territory.

All elections, municipal, county, and Territorial, were placed under their direction. Whatever power in these regards the law failed to give them they assumed, until by a decision of the Supreme Court of the United States the assumed powers were declared illegal.

The whole purpose of the Edmunds act, so far as it relates to elections, was to prevent polygamists from voting or holding office; to put the entire government of the Territory in the hands of the monogamists, temporarily, until the first session of the Legislative Assembly of the Territory, to authorize a non-resident commission to appoint the registration officers and election judges. The language of the law which I have read makes it very clear that this board was not intended to be a permanent one, but was merely an expedient to accomplish a certain object, to oust all polygamists from the offices they held and to fill their places with non-polygamists, as an encouragement and inducement to the latter to continue to live within the law—in short, to humiliate and debase the polygamists and to honor and exalt the monogamists. It was never intended that this Commission should be continued for any length of time, much less to become a permanent institution.

The law clearly contemplated that the Commission should be superseded in the near future. They were only to "continue in office until the Legislative Assembly of said Territory shall make provision for filling said offices." It is a matter of history that at every session of the Legislature except one, since the creation of the Commission, provision has been made for superseding this expensive, unnecessary, and un-American board. The assembly of 1884, composed entirely of monogamists, passed an act in every way suitable and proper, providing for conferring the powers exercised by the Commission, in the appointment of registration and election officers, upon electors of the Territory, who could only be monogamists; but the governor refused to approve the bill, and as the governor of Utah has the power of an absolute veto, the bill could not become a law. In 1886 and 1890 similar bills were passed and met with like treatment from the governor.

The session of the Legislature which adjourned in March last passed a very comprehensive election law embracing

the best features of the more recently enacted laws of the several States, including what is known as the Australian ballot system. This bill made provision for superseding the Commission by a Territorial canvassing board, to be appointed by the Governor, by and with the advice and consent of the legislative council. The board was to consist of five members, not more than three of whom were to be of the same political party. The bill, like some of the others having the same object in view, was honored with a pocket veto. His excellency the governor did not even favor the representatives of the people with a statement of his objections to the measure. He probably could find no feasible objection to the bill and thought it imprudent to place himself upon record.

Now, Mr. Speaker, I submit that as the Edmunds act was solely aimed at polygamy; that as Congress did not attempt thereby to legislate against but rather in favor of and to encourage the monogamists; that as no polygamist has been able to take the oath required by Congress, and consequently has not been permitted to register, vote, or hold office since 1882, that ever since that time the law-abiding citizens of Utah, of all classes and creeds, have been unjustly deprived, by the absolute and arbitrary power of the governor, of their right of local self-government in the conduct of their elections.

A great deal of credit has been claimed for the Utah Commission for the wonderful service it has rendered the country by the suppression of polygamy in Utah. Let me ask what these commissioners have done in this regard. The polygamists in Utah, after the passage of the Edmunds law, neither attempted to register nor vote, and there has not been a single conviction of one of that class for illegal registration or illegal voting from that day to this. As the Commission had no duties to perform respecting polygamy, outside of registration and election duties, and as no polygamist ever claimed or attempted to exercise the right to register or vote, I fail to see wherein the Commission can claim any credit for the suppression of polygamy. Whatever external forces have brought about the discontinuance of that practice, the Utah Commission played a very small part in its accomplishment.

As a fair, unprejudiced presentation of the existing status of affairs in Utah,