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sonal, the other institutional. In the case of institutional government the institutions themselves are the supreme power in the State. They are the ultimate tribunal; they are the power than which there is none higher. If you trample these down you start off with a mobocracy, and end inevitably in a military imperialism.

That is the question which in my judgment presents itself to every member here. I do not mean that gentlemen are not just as honest in their views in reference to this case as I am. But I do mean to say in my honest jugdment this case puts to test the force and power of institutional governments. And I might say here in this connection there comes fresh to my mind the language addressed by the Earl of Chatham to the British Parliament in their lust for power and in their eagerness to grasp and sway without limit and without stint the rod of empire over the Western World. I know you can do in this case just what he said England might do in reference to the colonies. He said, substantially: "I know the gallantry of our troops and power of your armies, I know that in a good cause you can crush America to atoms; but in this struggle if America fall she will fall like the strong man embracing the pillars of liberty, she will drag the Constitution along with her."

Polygamy, Mr. Speaker, is odious. I have no sympathy with it. But in this struggle it has this advantage which we have unwittingly given it. It has in some form got behind the Constitution of the United States. You may embrace it, but in doing so you may embrace both, and when you drag down polygamy take heed lest you do not involve the constitutional liberties of your country in ruin. There is no occasion for it. There is no exigency in the life of the nation demanding it. The virtue and intelligence of the people of the United States certainly give us ample assurance that this leprosy cannot extend generally to the people of the United States. As was said yesterday so well by the gentleman from Tennessee, those people are brought now in contact with the outer world. They are no longer isolated. They are no longer away by themselves. Railways traverse their borders. Our people are pouring in and settling up and inhabiting the country. And no one need fear but that, if the advice as depicted by gentlemen yesterday is so hideous, so offensive as practiced in Utah, the American people will naturally be so startled that they will turn against it and destroy it. It will be corrected. There need be no fears on that score. But suppose it shall survive a day or two; suppose it shall live until next Congress and pass over the next Congress, it shall of itself be a monument in commemoration of the devotion to and love of the American people for the Constitution and laws of their country.

The gentleman from Iowa [Mr. Thompson] became so impassioned and so carried away with his theme yesterday in his efforts to seat Mr. Campbell, who received about one-tenth or less than one-tenth of the votes, that he actually enlarged upon and amplified the glory and sacred right of representation. Yes, the glorious *right of representation!* He tells us that there are 1,600 Gentiles who have voted for Mr. Campbell, and if you do not seat Mr. Campbell the people will be denied the right of representation, and hurt and outraged in the most vital principles of their liberties and rights; forgetting that about 18,000 had spoken on the other side, consenting to be represented by Mr. Cannon.

Now I would like to ask that if it is a matter of so much importance, a matter so imperious in its exactions, that we should admit Mr. Campbell lest 1,600 persons who voted for him be left unrepresented, is it not ten times more important that we admit Mr. Cannon so that the 18,000 who voted for him shall not be left unrepresented?

In the few minutes which I have reserved I desire simply to state the logical conclusion of the argument which I intended to make in support of the minority report to the effect that Mr. Cannon cannot be excluded from a seat upon this floor without abolishing the office of Delegate from that Territory. And in supplement to what I have stated already, I desire to say simply by way of conclusion that the Christian religion is distinguished from all others by the fact that it does not make or require the help of temporal or political aid, but addresses itself directly to the head and heart of the individual, and depends alone upon the power of truth. It does not ask, but rejects as incompatible with Divine truth, the aid of secular power.

Mr. Burrows, of Michigan, said:

Mr. Speaker: The issue between the House of Representatives and the polygamists of Utah is at last made up. At the beginning of the present Congress George Q. Cannon and Allen G. Campbell presented themselves at the bar of this House as rival claimants for a seat in the Forty-seventh Congress as Delegate from the Territory of Utah. Mr. Campbell claimed the right of admission by virtue of a certificate of election.

Mr. Cannon contested his *prima facie* case and affirmed that he (Cannon) was in fact duly elected. In reply Campbell asserted that if for any reason his *prima facie* title should be held defective, Mr. Cannon could not be seated for the reasons—

First That he did not receive a majority of the votes legally cast;

Second. That he was an unnaturalized alien, and

Thirdly. That he was a polygamist living in open violation of the laws of the United States.

Pending the discussion of the *prima facie* case of Mr. Campbell, and before its determination, the whole matter was, by order of the House, referred to the committee on Election for their examination and report thereon.

After investigation, that committee conclude and report to the House upon the first proposition as follows:

> We therefore find that the evidence establishes that Mr. Cannon received 18,568 votes; that Mr. Campbell received 1,357 votes; and that there were scattering 8 votes. Mr. Cannon, therefore, received a majority of all the votes hast at the November election of 1880, and is duly elected a Delegate from the Territory of Utah, unless he is disqualified from holding a seat for one or more of the reasons alleged in the answer of the contestee.

Upon the second proposition the committee report:

> We therefore hold that Mr. Cannon is a naturalized citizen of the United States, and that he is not disqualified, on the ground of alienage, *from holding* his seat as Delegate.

Thirdly, that he is a polygamist. This fact appears from the following admission:

> I, George Q. Cannon, contestant, protesting that the matter in this paper contained is not relevant to the issue, do admit that I am a member of the Church of Jesus Christ of Latter-day Saints, commonly called Mormons that in accordance with the tenets of said Church, I have taken plural wives, who now live with me, and have so lived with me for a number of years, and have borne me children. I also admit that in my public addresses as a teacher of my religion in Utah Territory, I have defended said tenets of said Church as being, in my belief, a revelation from God.
>
> GEORGE Q. CANNON.

It is conceded on all hands that George Q. Cannon possesses all the constitutional qualities required for a Representative in Congress. A Delegate certainly does not require other or higher qualifications.

The simple and single issue in the case is whether this House has the constitutional power to refuse admission to Mr. Cannon upon the ground that he is a polygamist. While I am in full accord with the views of those who hold that a Delegate is not a member within the meaning of that word as used in the Constitution, and that our powers touching the exclusion of a Delegate are greater than those over a Member, yet in my view of the case I do not think the establishment of this principle necessary to the determination of the matter. I affirm that if a Representative from any of the States should demand admission to this House under the same circumstances as those surrounding Mr. Cannon, it would be within our constitutional power to deny him admission. If that position be correct, the importance of the distinction between a Representative and a Delegate disappears. In standing upon this ground I am aware of that provision of the Constitution which prescribes the qualifications of Representatives and that other provision which confers upon each House the right to judge of the elections and qualifications of its own members. Nor do I overlook the long and unbroken line of decisions that it is not within the constitutional power of Congress nor of the States to add to or in any way modify these constitutional requirements.

But it will be observed that the Constitution does not undertake to specify those things which disqualify a person for membership. The doctrine is well settled that to entitle a person to a seat in this House he must not only possess those affirmative qualifications mentioned in the Constitution, to wit, age, residence and citizenship, but he must be free from those things which by common parliamentary law disqualify. In other words, a Representative, though duly elected, a citizen, and of proper age would not be entitled to membership unless free from personal disqualifications. An idiot or a madman would not be entitled to membership, though duly elected and possessing all the constitutional qualifications. We would deny admission to a person infected with a contagious disease, and would be justified in so doing. Should a member elect after he was chosen, be arrested and convicted of some infamous offense and punished by imprisonment in the State prison, would it be contended that if he should present himself at the bar of this House at the expiration of his term of imprisonment and demand to be received into membership, that it would not be within the constitutional power of this body to refuse him admission? Instances of personal disqualification might be multiplied indefinitely. This is sufficient, however to illustrate my point.

I hold that George Q. Cannon, by confessing himself in this tribunal and in this contest guilty of polygamy, an offense punishable by imprisonment in the State prison, has that personal disqualification which renders him ineligible and a fit subject for the exercise of our constitutional power of exclusion. I could fortify this position by a long citation of authorities, but will detain the House with only a single case.

In 1870 B. F. Whittemore, a member of Congress from the State of South Carolina, was charged with selling a cadetship in violation of law. He admitted the charge, but pleaded in extenuation of the offense that he used the money for charitable purposes in his district. He was about to be expelled from the Forty-first Congress when (and the day before he expected the vote to be taken) he resigned and ousted the House of Representatives of jurisdiction to expel.

A new election was ordered, and Whittemore was returned a member to the Congress in which he committed the offense, The House refused to receive him by a vote of 130 to 24. Now, he had not been convicted of any crime, but the House to which he was re elected was in possession of his own confession that he had done that which was an offense against the law of the land, and for which he might be imprisoned, and it exercised what I conceive to be its common parliamentary right to decline to receive him into membership. Other and numerous cases might be cited sustaining the same principle. So in this case, Cannon comes into this presence and solemnly admits his great crime, even in his speech just closed does not avoid, but rather justifies and seeks to shield himself under that broad mantle of religious toleration beneath which all religions in this country have ever found the amplest shelter. I regret, sir, that he should have sought to justify his crime by appealing to Holy Writ, and claiming that the inspired Word of God sanctioned this monstrous crime. The words of the poet come to my lips:

> Just Father, what must be Thy look
> When such a wretch before thee stands
> Unblushing, with Thy sacred book,
> Turning the leaves with blood-stained hands
> And wresting from its page sublime
> His creed of lust and hate and crime?

I repeat, the issue is made up. Brigham Young once declared in his own peculiar and uncouth phrase, "I will send a polygamist to their Congress and cram polygamy down the throat of the American nation." It was in execution of this audacious menace that he commanded the election of George Q. Cannon to the Forty-third Congress, since which time the representative of polygamy has sat unchallenged in this hall. Hitherto Mr. Cannon has effected his entrance into this chamber through the instrumentality of a certificate of election, that potent instrument against which it is difficult to interpose a successful barrier. He presents himself, however, at the door of the Forty-seventh Congress disarmed of this weapon, confessing himself guilty of an offense made by law a felony, but challenges the constitutional power of Congress to deny him admission for that cause. And so the issue is squarely made up, and we are now to see whether the constitution power of a living Congress is sufficient to cope with and overcome the infamous edict of a dead priest. I trust that the report of the majority of the committee will receive the unanimous support of this House, that the Forty-seventh Congress may place its seal of condemnation upon this relic of barbarism. The American people have long enough endured the shame of having seated in their high council a man who offends public decency, disturbs social order, defies national authority, and outrages the moral sense of all Christendom. Let the humiliation end now and forever.

Mr. Miller. In the limited time allowed me it is impossible for me to discuss the questions that have been presented in this debate in order to demonstrate that polygamy and that the practices under it are dangerous to the civil as well as the religious institutions of this country. It is not necessary that it should be done. As early as the Fortieth Congress a committee appointed by the House, and which considered that question, said:

> Polygamy is synonymous with bigamy. Bigamy is under our law a crime, and polygamy is a monstrous bigamy.

It further said:

> Polygamy prevails in spite of express laws of the United States, in open outrage of every sacred family tie, controlling the social organization of the community, and shaming the sense of propriety so long and well established among all races of Europeans on this continent.

It further said, having asked the question whether or not this power had been hostile to the government:

> Your committee believe that it is, and has been hostile rather from the inherent spirit of its creation than from any design on the part of that people.

They add:

> That by reason of polygamy in Utah great crimes have been committed and have been let go unwhipped of justice. Open violation of the authority of this Government has frequently occurred. The sanctity of the ermine has been profaned, the course of justice obstructed. Organized assassination has been frequently perpetrated.

It is also a fact, as appears by the records of the judicial proceedings of this country, that the Mountain Meadow massacre was traced directly to the Mormon Church, and that twenty years after the commission of that crime, one who had stood high in that church—Stephen D. Lee—was tried, convicted and executed for participation in it. It appeared in the trial that the Mormon Church not only winked at but had incited the massacre.

If all these things be true, Mr. Speaker, if that institution is anti republican, if it threatens the safety of this nation, why should it not be stamped out? Why should any one holding to those opinions and practicing those tenets be admitted to a seat in the house? Is there no law or authority to prevent this? Is it possible that a man who is a member of a political-religious association which is hostile not only to the spirit of our laws but also to the letter of the American laws and Constitution can claim as a right under that Constitution a seat in the House?

This question is not a new one. In the case of John Young Brown, of Kentucky, who was duly elected a Representative from the ninth Congressional district of that State and claimed his seat by virtue of said election in the Forty-first Congress, the committee on elections decided that disloyalty disqualified him from taking his seat in the House. And yet he had never taken an oath to support the Constitution of the United States which he had afterwards violated; he had never borne arms against the United States Government; he had never committed any overt act; all that he did was to declare in a public speech, and afterwards in a letter, that—

> Not one man or one dollar will Kentucky furnish Lincoln to aid him in his unholy war against the South. If this northern army shall attempt to cross our borders we will resist it unto death, and if one man shall be found in our commonwealth to join he ought, and I believe he will be, shot down before he leaves the State.

Before the committee he admitted that he had used that language, but denied the authority of Congress to refuse him a seat in the House inasmuch as the language did not constitute an offense or raise a disqualification under the Constitution. Mr. Dawes, the present Senator from Massachusetts, was chairman of the committee on elections. The political friends of Mr. Brown in Congress contended that even if he was guilty of disloyalty he could not be refused a seat in the first instance; that all that could be done would be to admit him, and then if he was guilty of any crime that would disqualify him from holding his seat he could be expelled. Mr. Dawes, in his argument in the House in support of the report of the committee, said:

> If he has a right to enter this body, notwithstanding his disloyalty, what right have we afterward to expel him? And if we have a right to expel him for disloyalty, have we not a right to keep him out for the same disloyalty? * * * Why would they (his political friends) expel a man from this House if he were a traitor? To punish him? Certainly not, for that is not the puishment prescribed for treason. Is it to overawe and restrain treason? That is puerile and ridiculous. What is it for? There is no other reason assignable except for the public safety. * * * If the public safety calls upon us to expel a member after he has put himself into his seat, because he has the life of the nation in his keeping, is not the public safety regarded more, is not the public safer by not letting him into the seat at all? The custody of the citadel is intrusted to your hands; the enemy approaches, you are bound to use all the means that are required to make that citadel safe. Are you to admit the enemy into the walls, and then drive him out? Sir, the homely verse into which the speech of Colonel Titus was put two hundred years ago in the British Parliament when Charles II. undertook to batter down the doors of the House of Commons and trample under his feet the liberties of England, are a better commentary upon that position than anything I can say:
>
> I hear a lion in the lobby roar!
> Say, Mr. Speaker, shall we shut the door
> And keep him out, or shall we let him in
> To try if we can turn him out again?

I take it, sir, that the same question—the public safety—applies in this case, only with greater force and potency. In the case of Mr. Brown the rebellion, with which it was charged he had sympathized, had been over for more than three years. Every man in rebellion had long since laid down his arms. The authority of the government was acknowledged in every part of the country. A loyal people had by an overwhelming majority elected to the chief magistracy of the nation the man who had led the Union armies to victory and the country to peace.

Here the danger which threatens the public safety is impending. The people of Utah and the contestant himself defies our laws. They scoff at the decisions of the Supreme Court of the United States. In the language of the late President Garfield in his matchless inaugural address:

> The Territories of the United States are subject to the direct legislative authority of Congress; and hence the General Government is responsible for any violation of the Constitution in any of them. It is, therefore, a reproach to the Government that in the most populous of the Territories the constitutional guarantee is not enjoyed by the people, and the authority of Congress is set at naught. The Mormon Church not only offends the moral sense of manhood by sanctioning polygamy, but prevents the administration of justice through ordinary instrumentalities of law.
>
> In my judgment it is the duty of Congress while respecting, to the uttermost the conscientious convictions and religious scruples of every citizen, to prohibit within its jurisdiction all criminal practices, especially of that class which destroy the family relations and endanger social order. Nor can any ecclesiastical organization be safely permitted to usurp in the smallest degree the functions and powers of the national government.

I contend, therefore, Mr. Speaker, that the public safety calls upon us to shut the door and refuse admission to any Delegate from the Territory of Utah until it sends a representative for a law-maker who is not a notorious law-breaker.

But the gentleman from Tennessee, (Mr. House,) in his argument yesterday, contended that such a procedure would strip citizens of the United States of the rights and privileges that freemen most value—the right to vote and hold office. Why, sir, I read in the statute of the gentleman's own State that for an act which is not a crime or misdemeanor at common law, and in but few States by statute, citizens of Tennessee may be and are deprived of the right of suffrage and the right to hold office. I refer to the act of 1870, 2d session, chapter 39, sections 1 and 2, as found in Tompson and Steger's compilation, volume 2, section 2137. The sections are as follows:

> Section 1. The intermarriage of white persons with negroes, mulattoes, or persons of mixed blood descended from a negro to the third generation inclusive, or their living together as man and wife is hereby prohibited.
>
> Sec. 2. The persons knowingly violating the provisions of the first section of this act shall be deemed guilty of a felony, and, upon conviction, shall undergo imprisonment in the penitentiary not less than one nor more than five years.

Under the constitution and laws of Tennessee any person convicted of a felony is deprived of the right to vote or hold any office of profit, honor or trust thereafter. Thus it will be seen that the mere marriage of a "white person with a person of mixed blood descended from a negro to the third generation inclusive" is a felony in Tennessee, and on conviction the offender is deprived of the right to vote or hold office, which the gentleman prized so highly in the case of the lecherous, polygamous Mormons, who live in open violation of law. It would be well, sir,