

THE following letter was unavoidably crowded out of our last number—

## Correspondence.

### LETTER II.

"It is therefore proper to say that while the case at bar is called *The People versus Brigham Young, its other and REAL TITLE IS FEDERAL AUTHORITY VERSUS POLYGAMIC THEOCRACY.*"—*Opinion of Chief Justice J. B. McKean.*

Mr. Editor: Dear Sir:—In again calling the attention of the public to this subject, permit me to say, that I do it with no spirit of vindictive malevolence; but simply with a desire to lay before the public important facts, intimately connected with our present political and religious status; that we may comprehend, in some measure, the powers and prerogatives of the government we live under, our duties and responsibilities thereto, and our own individual, moral, social and political rights.

There are events in the history of nations and communities that, as they develop themselves, call forth the serious, calm consideration, not only of politicians, journalists and historians, but of all intelligent men, who are in anywise influenced, controlled or affected thereby. An eminent political scientist, living under a monarchical government, a century ago, instituted the following enquiries—

"How may the peculiar and independent operation of each individual, in the social state, most effectually be preserved? How may the security each man ought to possess, as to his life and the employment of his faculties, according to the dictates of his own understanding, be most certainly defended from invasion? How may the individuals of the human species be made to contribute to the general improvement and happiness?"

From the above ideas it would seem that it was an admitted axiom, even among monarchists, that governments were, at least, ostensibly organized for the security and protection of every individual man in the community; for the protection of his life, the protection of his property, and the employment of his faculties according to the dictates of his own understanding.

There has been from time immemorial a continual struggle between the governors and the governed, the first trying to usurp power, authority and dominion, and the other to resist these encroachments. Vested originally with power from the people, rulers have almost invariably made use of that power to break down, oppress and trample under foot their benefactors; and thus, by a series of aggressive acts, oligarchies and limited and unlimited monarchies have been established, and thus kings, emperors, dictators and autocrats have fastened themselves and their dynasties upon the people, and to crown their usurpations have called upon a truculent priesthood to anoint them "kings by the grace of God," and thus sanctify their unholy acquirements. Thus the last principles of liberty have frequently been crushed out, until the people have lost their individual, social and political rights, have been manacled and bound by their political usurpers, and, like sycophants and serfs, have bowed in meek submission to the yoke of their tyrants and oppressors. The history of France, during the last twenty years, is an exemplification of this. Napoleon commenced his political career as president of a republic, had himself proclaimed emperor, and left it as a vanquished, resigned empire. Santa Anna's exploits in Mexico were productive of like results.

The histories of the Babylonians, the Medes and Persians, the Grecians, the Romans and the Russians are all evidences of this fact, nor can we exempt the British, the French, the Prussians, the Austrians or other European nations. All have been intolerant and oppressive, more or less, according to governmental forms and political circumstances or necessities, by which they may have been influenced. Nor do the forms or names of governments make very much difference; there was as much disorder, anarchy, bloodshed and slavery under the Republic of Greece, as under Phillip and Alexander. Nor was Rome any more happy and free under a Republic than under her Dictators or Emperors. And again, while the Russian serfs have been liberated by the edict of an autocrat, Republican America imported slaves

and kept them in bondage for nearly a century. The greatest outrages and crimes were perpetrated in Republican France; justice was trampled under foot, innocence destroyed, virtue despoiled, and a reign of blood and terror inaugurated, the very contemplation of which thrills the mind with horror.

Caligula or Nero, as Emperors, were no more bloodthirsty, tyrannic nor oppressive than were Robespierre, Murat, or Danton, as Republicans. Where integrity, virtue, and honesty have prevailed, whether under monarchical or republican rule, there have existed happiness and freedom. Where these have been lacking, disorder, anarchy, bondage and confusion have been the result. Liberty is not a name but a reality. In Republican France under Napoleon "*Liberty, Egalite, Fraternity*" was written over the entrance to every public edifice; while twenty persons could not meet together in a private house without the permission of the police, and private papers could be examined by the same authority. At the same time in monarchical England you needed no passport, your house was your castle, and your papers and property were safe. In monarchical England all men can worship God according to the dictates of their own consciences, and be justified in that right. In Republican America, thousands of her citizens have time and again been robbed, murdered, pillaged, driven and exiled, for their religion alone. This same England centuries ago proscribed, persecuted and exiled her citizens for the same offense, and her Puritans had to flee to Holland, and to the then wilds of America, to secure themselves from the fury of their oppressors; and yet, strange as it is, those very Puritans persecuted the Quakers and Baptists for believing in and worshipping God. Freedom, justice and liberty are not therefore the growth of republican institutions alone. Freedom and liberty are the gifts of God and are frequently wrenched unwillingly from the hands of tyrants. Tyranny, under any guise, is a hideous monster. Dressed in the trappings of royalty, or in the plain garb of Republicanism, it is still a monster. One headed, or hydra-headed, it makes no difference; republican or monarchical, it is the same horrid, repugnant, revolting monster. Tyranny is the same, whether in the dictator or the people, the general, the judge or the preacher.

The very honorable, venerable and patriotic gentlemen who framed our Declaration of Independence had many of the above facts in view, and, smarting under the lash of British tyranny, entered their vehement protest against the numerous usurpations which they have very tersely stated.

The honorable framers of the Constitution of the United States were no less alive to these matters, and while they threw safeguards around the civil power, were very anxious to protect the people in their individual, social, religious and political rights. And lest their ideas should be misunderstood, they made several amendments, directly intended to protect the rights of the people. Hence Art. IX. says, "The enumeration of certain rights shall not be construed to deny or disparage others retained by the people." "Art. X. The powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." And as the following bears directly on our case I quote—"Art. II. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." Again, "Art. I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

The Constitution of the United States is unquestionably the best instrument that was ever instituted by man. The Great Magna charta of England, so much talked of, was simply and only a resistance to a few principles of tyranny, originating in the conquest of England by William of Normandy, and a concession to a few specified demands, reluctantly given, by King John; as were other bills or rights wrenched from other European powers.

The Constitution of the United States was formed and framed by the people of the United States from which the government is derived, and that constitution, "serving not only as an authority, but as a law of control to the government," and answers the question, so far as human institutions can—How may the peculiar and independent operations of each individual, in the social state, most effectually be preserved? and other questions above enumerated.

It is the most equitable and just instrument for government ever emanating from any people. Joseph Smith in speaking of it, says, "*It was given by inspiration of God,*" and to no other cause under God, are we more justly indebted for our protection and preservation, as a people, than to this instrument. Misrepresented, maligned, proscribed, robbed, despoiled and driven by political fanatics, religious bigots, unjust and designing knaves, we have always fallen back on this great palladium of human rights, and have always found relief under its ample folds. And while knaves, bigots and fools have been clamoring for our property and blood, crying, "Crucify him, crucify him," this living instrument asks, as did Pilate, "What evil hath he done?" While the Declaration of Independence, as in living letters of fire, proclaims, "All men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness; . . . governments are instituted among men, deriving their just powers from the consent of the governed." We have never had any difficulty with law-abiding citizens, with lovers of good order, with patriots and honest men. And the bigoted and fanatical attacks against this people have been instituted against private interests, constitutional guarantees, religion and the rights of man.

There have been many attempts made to overslaugh and destroy the Latter-day Saints, and yet "Mormonism" is still a problem that statesmen, politicians, moralists and religionists cannot solve. The reason may be found in this one fact, that as the "Mormons" are a law-abiding people, and are lovers and supporters of the Constitution, they cannot be condemned for violating law and breaking the Constitution of the United States. The present, as former crusades, is an ample elucidation of this fact. "Mormonism" may be opposed by bigotry, superstition, religious prejudice or judicial intolerance; not by law, equity or the Constitution. If the Constitution and the inalienable rights of man could be disposed of, "Mormonism" might appear in other colors, and might not be so difficult a problem, for while the "Mormons" abide law and do right, it is impossible to condemn them by laws that are enacted to punish wrong-doers and violators of law.

From the above we learn that there are certain inalienable rights possessed by man. It may be said further, that he is born into the world with them; that they are inherent; that, as he possesses the power to breathe the free air of life, and as the blood of life flows through his arteries and veins, and permeates every part of the body, so is this right born into the world with man and he possesses it inherently; that, as the child or person breathes, sleeping or waking, and as the blood flows without the direction or control of the will of any individual, so he brings into the world with him, as an inheritance from his Heavenly Father, certain inalienable rights; and that as every individual possesses the right to breathe, and to have the blood circulate, so every individual in every community in all the world inherits this inestimable, God-given right, and like the breath or blood, he carries it with him wherever he goes, and no person, no potentate, prince or president, no legislature, no government, no tribunal or court can legitimately dispossess him of this right. It is inherited from God and must not be interfered with by man. As every interference with or stoppage of the blood or breath, in the natural body, produces distress, disorder and convulsions in the system, so every interference with this inherent right of man, produces convulsions in the body politic; and the unnatural attempts of kings, emperors, presidents, legislatures, judges, governors or autocrats to interfere with this sacred, eternal, God-given right, have been productive of all the oppressions, bloodshed, injustice, war, carnage and desolation, the tears, groans and misery with which the world has been cursed. As when the lungs are diseased, the blood or breath is obstructed, wasting, weakness, infirmity, convulsions, decay, and death ensue in proportion to the malignity of the disease, so when the inalienable rights of man are obstructed or interfered with, in like proportion does the body politic suffer, and the nation or people that permit it encourage a gangrene, a viper, that is gnawing at the very vitals of the system, and will naturally result in anarchy, confusion, weakness, decay and dissolution. It is alleged "that all nations have the ele-

ments of destruction within themselves;" and this, in fact, is the principal element of destruction that is found among all nations, for, so far as they interfere with this inherent, God-given right, they open the flood-gates of error, and injustice, tyranny, oppression and corruption follow in its train, anarchy, confusion and revolt ensue, and weakness and desolation are the result. Well, then, might the framers of the Declaration of Independence proclaim that "all men are born free and equal, and possess certain inalienable rights, among which are life, liberty and the pursuit of happiness." Let these flow unobstructed and all is right; let them be obstructed or interfered with, and all is wrong. All men have the right of life, the right of liberty and the right to pursue happiness, and no man or set of men possess a just power to deprive them of this right. This right belongs to every individual man, is inherent in him, and is the gift of God.

Our fathers discovered that all governments derive their just power from the consent of the governed. The *res publica*, or public business or power of a nation, of a republic, derives its authority from the people. The very term representative implies, as Webster has it, "an agent, deputy or substitute, who supplies the place of another, or others; being invested with his or their authority." It has been well said by an eminent author that, "all delegated power is trust; and all assumed power is usurpation. A Constitution is not the act of the Government; but of a people constituting a Government." Assuming the above hypothesis to be right, and no man can successfully dispute it, what becomes of the action of our Federal officers? Liberty does not consist in the clanging of bells, the sound of trumpets, the beat of drums, the rearing of tall liberty poles, in parade, and pomp, and glitter, and show, nor in the declamation of demagogues nor the sanctity of courts, nor in quoting extensively from the dusty tomes of the judicial dead; but in the preserving of these rights to the people, and preserving intact as the living inheritance of man. Every man that sustains these principles is the friend of freedom and humanity, and every one who opposes them, whether among Autocrats, Monarchies or Republics, is a disturber of the peace, a sower of discord, an enemy of mankind and of God.

But as this article is already sufficiently long, and as I propose to say more on this subject, I will conclude by asking a question or two.

There is said to be a hundred thousand inhabitants in this Territory. How many of them had a voice in the selection of the present Federal Officers? Not one.

There is a Grand Jury here—out of one hundred thousand "Mormons," how many of them sat on this Grand Jury? Not one. It is not surprising, therefore, that with such a Court and such a Jury, the following opinion should be given by his Honor Chief Justice J. B. McKean, and, as his honor has desired us to keep this in view, I again repeat it—

"It is therefore proper to say, that while the case at bar is called *The People versus Brigham Young, its other and real title is Federal Authority versus Polygamic Theocracy.*"

Respectfully, &c.,

JOHN TAYLOR.

WANTED A MILITARY ESCORT.—The following is a portion of a dispatch from Salt Lake to the New York Herald—

Judge McKean instructed counsel to consult together and fix upon the time for going to trial. No day has yet been settled upon. The trial will doubtless come off within six weeks or two months. The other cases of a like nature will not be tried before that of Brigham Young is completed.

Judge O. F. Strickland, United States Marshal Patrick and a number of attorneys left for Provo City this morning, where a Court for the Second Judicial District will be opened to-morrow. General De Trobriand was asked for a cavalry escort, but he refused. The United States Marshal says it is impossible for him to make arrests there without military support.

If the Marshal said so, events have proved that he said what was not justified by the facts. The facts are that he could make no arrests in his midnight raid with military, but when he went without military he could and did make arrests.

THEY MISTAKE.—The Omaha Herald does not think, as some people do, that "Mormonism" will die early. It says—

Those who think that the Church of the Latter Day Saints will die with its ablest living oracles and representatives, mistake the deep-seated and far reaching hold which this remarkable fanaticism has upon its votaries.