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WEEKLY.

TRUTH AND LIBERTY.

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FREE THOUGHT AND FREE
SPEECH.

FOR the first time in its history the State of New Jersey has endeavored to put in force a statute against blasphemy dating away back to colonial times. The prosecution has been incited by the doings of one Charles B. Reynolds, who was formerly a Methodist minister, but becoming disgusted with Methodism and skeptical in regard to the Bible, he rebounded to the extreme of infidelity and became as anxious to disseminate his disbelief as he once was to propagate his faith.

Last summer Reynolds went to Boonton, New Jersey, to hold what he called "free thought" meetings. It is singular what a notion agnostics and atheists have that they hold a monopoly on "free thought." As if a man cannot think freely—who believes in a Supreme Being as the grand Architect of the universe, the source of light and law and love! He pitched his tent—literally, upon a piece of ground he had secured, and invited the public to come and hear him. Some of them responded. But they came with ancient eggs and unsound vegetables wherewith to salute the speaker. They were chiefly Catholics and Methodists. We refer to the audience, not their missiles. Reynolds was unmercifully pelted and his tent was slashed with knives. He escaped in the confusion and so avoided a ducking in a pond clothed with verdure.

An argument of that kind is not very intellectual, but it is one of the resorts of some people who go by the name of "Christians" and claim to be in the van of nineteenth century civilization, as many "Mormon" Elders can testify from personal experience and observation. It had the effect of advertising Reynolds and drawing to his ideas, set forth in a pamphlet he had published, much more attention than they would have attracted if he had been let alone to enjoy that right of free speech which he accorded to every person in this "free land."

Reynolds went to Morristown in the same State and circulated his pamphlet, with the addition of a two-page cut to illustrate the Christianity and liberality of the Boonton believers and his adventures at that place. At the back was the tent. His own figure was the central one in front. He carried a basket from which he was scattering pearls before a lot of swine, some marked with a cross and others with an "M." The swine appeared to be coming from pens marked "M. E. Hog Pen" and "Pig Sty of the Holy Virgin," and the pens were guarded by a priest whose bucket was labeled "Catholic swill" and by a dominie with "Methodist slop" painted on a bucket he carried. Both of these figures carried bludgeons, with which they menaced the hog feeder. Over the priest's head was a guideboard naming Boonton as the spot near which this scene was supposed to take place.

Morristown was soon in an uproar. But the people wiser, or rather more cunning, in their generation than the children of Boonton, resorted to the law instead of the egg-box and swill-barrel, for weapons wherewith to fight the disturber. An old and musty statute was brought out from the dust of the past, and on its provisions the grand jury found an indictment against Reynolds. The law is as follows:

"If any person shall willfully blaspheme the holy name of God by denying, cursing, or contumeliously reproaching His being or providence, or by cursing or contumeliously reproaching Jesus Christ or the Holy Ghost, or the Christian religion, or the holy Word of God—that is, the canonical Scriptures contained in the books of the Old and New Testaments—or by profane scoffing at or exposing them or any of them to contempt or ridicule, then every person so offending shall, on conviction thereof, be punished by a fine not exceeding \$200, or imprisonment at hard labor not exceeding 12 months, or both."

On the 19th inst. the defendant was brought to trial before the Circuit Court, Prosecuting Attorney Wilder W. Cutler appearing for the State of New Jersey, and the celebrated Robert G. Ingersoll for the defendant. Public feeling ran high over the issue. Liberal minded people deprecated the assault on free speech; the religious elements combined in resentment against the blasphemer. A jury was secured after many challenges, and the case was briefly presented, sixteen witnesses testifying for the prosecution that they had received the pamphlet, though none admitted that they

bad read it; many of them were Presbyterians.

Col. Ingersoll attacked the law on constitutional grounds, thus going to the root of the matter. He showed that the State Constitution provided that no law should be passed to abridge liberty of speech or the freedom of the press, and that no person should ever be denied any civil right on account of religious principles. He said this cowardly law was passed when men didn't dare argue. For generations it slept on the statute-books with its lips drawn tight over its cruel teeth. Any law designed to oppress, and to deny liberty, should never be awakened. Here are some excerpts from his speech, which we reproduce because they are pertinent to living issues in Utah and recommend themselves to every one but bigots, tyrants and "Mormon"-eaters:

A man has a right anywhere to speak disrespectfully of Jupiter, although several thousand years ago it would have been unwholesome to say much against him in Rome. Yet he is as powerful as he was then. It is the Romans who are not alive.

"The Jews crucified Christ because they didn't believe in free speech."

"We have passed too many milestones on the shining road of human progress to turn back and wallow in the mire."

"Suppose a man in Morristown reads the Bible through and makes up his mind that it is not true, must he clap his hand over his mouth and run out of the State before he can say so? In that way hypocrites are made; men who agree with you from the teeth out and in their hearts hate you."

"It is easy to float with the wind and tide. But the man who swims against them, with the fellows on shore throwing rocks at him, will get plenty of exercise in this world."

"England put Darwin's sacred dust in Westminster Abbey. If he had lived in New Jersey he would have spent a year in the penitentiary. The spirit of this statute is that you shall open your mouth like a young robin and whatever comes, swallow it, worms or shingle nails."

"If Abraham had lived in New Jersey he would have got into the divorce courts. Solomon, with 500 or 600 wives and 300 or 400 ladies with whom he was acquainted, would have fallen under the Edmunds law. And when David, in order to possess himself of Uriah's wife, had Uriah put in the front of the battle that he might be killed—is it blasphemy if we say of David that at least he was no gentleman?"

"What light is to the eyes, and breath to the lungs, liberty is to the soul of man. If you say no man has a right to think you have no right to think that he thinks wrong. Without absolute liberty the idea of conscience is absurd, there can be no virtue, no vice, no real religion, no justice, no progress, no love, or joy in this world. Take it away and all words have a meaningless sound. With it man is a success."

"I sincerely hope that never again under the flag of the United States, that flag for which has been shed the bravest and best blood for liberty, may it be necessary for a man to stand before a jury pleading for the right of human speech."

"You can never make me believe that a God, gracious and all-wise, holds in abhorrence a man who has the courage of his opinions. If the law is to be enforced against such men the prison will become a place of honor."

"The liberty of man is holier than any book. The rights of man are more sacred than any creed man has made. Everything true, noble, and free makes up the Bible of the world."

On the 20th inst. the Prosecuting Attorney replied, and the Court summed up in arguments that had the effect, through the jury, of convicting Mr. Reynolds who was fined \$25. The reasoning of Mr. Ingersoll, however, on the points we have presented was not combatted. The case was presented in this way: The law made blasphemy penal; if the defendant had committed that offense—of which the pamphlet and the witnesses were evidence, a verdict of guilty must be found; the jury could not decide upon the validity of the law, they could only act upon its provisions. The Court said:

"A man might hold what opinions he chose, but if he uttered profane things against God or the Christian religion in a scoffing or railing manner, calculated to wound the religious sentiment of the community, he was guilty of blasphemy under the law. No jury could do as it pleased. It had to take the law as it found it, not as it would have it."

We refer to this matter, not out of any sympathy for the defendant personally, or with blasphemous language in general, but because a principle is involved in his trial that must be faced and decided upon everywhere in this land of liberty and of law. We do not endorse any attack upon cherished doctrines or venerated ceremonies which purposely shocks and outrages sentiments that are sacred to religious souls. Freedom of speech should not be permitted to trench upon any one's rights. Ruffianism should not be allowed to go unchecked in the domain of religious thought any more than in the practical walks of life. But on the other hand, orthodoxy must not be given the sceptre of arbitrary power nor entrusted with the lives and liberties of the heterodox.

Opinion and the free expression thereof, if it does not proceed to

abuse, obscenity and personal insult, must be forever untrammelled in this government of the whole people. Bringing the matter home and to local application, every human being has the right to entire liberty of belief and its advocacy on the question of polygamy. The law only presumes to interfere with actions. Though the practice of polygamy may be made a penal offence, belief in it is as lawful as rejection of it. And so is its defense by tongue and pen. No law is valid which infringes upon freedom of conscience and liberty of speech that refrains from invading human rights.

No court, or judge, or officer of any standing under the Government of the United States has the legal right to question a citizen as to his belief and deny him or deprive him of any political right on account of that belief. He who has the disposition to do this is unfit for an official position. He has not learned to respect the rights of others. He is not in harmony with the genius of American institutions. He should not be permitted to wield any authority over his fellowmen. He is an anachronism. He belongs to bygone ages. The light of the latter days is too bright and strong for his battle-like vision. He should be relegated to private life and be counted among the things that are obsolete.

The line between liberty and lawlessness can be easily and clearly defined in reference to language as well as more demonstrative actions. It is the invasion of the rights of others that the law seeks to guard. Individuals and society must be protected from improper assaults. Belief in any theory, however absurd or monstrous it may appear to the majority, cannot be assailed by law nor can its possession or entertainment be made a test of any kind under this Government. The advocacy of this belief is as free as the belief itself, if its expression does not violate personal rights or public decorum. There is no law of Utah or of Congress or of any State in the Union against the advocacy of marriage in any form, and every bar or impediment sought to be placed in the way of free thought and free speech on that question, is not only a striking mark of gross intolerance but is a violation of the supreme law of the land for which there is no legal or moral justification.

IN THE NICK OF TIME.

THE arrival of an executive order granting a reprieve or respite, after the black cap had been drawn over the head, and the noose adjusted about the neck of the condemned individual, is a climax that has been wrought up times unnumbered by the writers of third-rate sensational fiction.

But a genuine case of the kind happened in real life recently in the State of Georgia. A telegram from Atlanta says that a man named Leggett was sentenced to hang at Reidsville, Fannin County, that State, on Friday of last week, for murder. The governor respite him Thursday. Reidsville is forty-five miles from a railroad or telegraph station. Leggett's lawyers started horseback with the respite Thursday afternoon and arrived at Reidsville after the noose had been placed about Leggett's neck and the black cap drawn over his face. The sheriff was preparing to pull the trap when the lawyer arrived and, waving the paper in the air, stopped the execution and saved his client's neck.

If, as has been said, the most distressing feature of death is the dread of and preparation for it, Leggett's escape was too narrow to save him from the worst part of his impending fate.

A HARD BLOW TO THE PANAMA CANAL.

THAT was a pretty severe blow which was dealt Lesseps' Panama Canal project when the workmen struck a torrent of water the other day. All the works were flooded for miles, the banks caved in, and appearances were that the excavation for a great distance would be one no longer, when the water disappeared, as it would be filled to the level. Those who are unacquainted with the topography of the country through which this engineering scheme is being run cannot comprehend the magnitude of such a disaster; millions of dollars' worth of work has been swept away in a few hours, and if the labor should be done again, the probability of a repetition of the present trouble is more than likely, and it looks like throwing money away to attempt it. It is one of the hardest places to work in in the world, the climate being overpowering, the vegetation rank and containing more or less poisonous growth and venomous reptiles and ferocious wild beasts abounding. The mortality among the workers has already reached fearful proportions, and, all things considered, one would be apt to conclude that science and perseverance are sacrificing too much for too little in undertaking to deal successfully with either end or the equator of the globe, or the vicinity thereof.

Those who are of a sentimental or fatalistic turn of mind may be able to see in De Lesseps' failure the enunciation of a recorded

decree—that the two Americas shall never be disunited, that the waters of the ocean shall never flow between them. It was only some eighteen years ago that a solemn warning was given to crowned heads not to make further attempts to overthrow republican institutions on the soil of the New World and build up monarchical systems upon the ruins, and the warning was sealed with Maximilian's blood; this, too, may have been a sentiment, but it was so vigorous that it swept the Franco-Austrian invader from the soil and showed that it was not to be sneered at as a trifling factor in human economy. The Count de Lesseps has encountered no armed and hostile foe, bent upon the enforcement of the Monroe doctrine, but he was met with the moral opposition of the people, the frowning obstacles of inanimate nature, and at last, it would seem, Providence itself has interposed a barrier which if not practically insurmountable is at least a sufficient deterrent to hold the enterprise in check for a long time and make it questionable whether capitalism will risk further losses in the prosecution of so discouraging a task.

ONE-SIDED JUSTICE.

THE verdict in the case of May White, prosecuted under indictment for adultery, adds one more instance to the multitude which have gone to prove that the administration of justice in the district courts is an unmitigated farce. Times without number it has been proved to a demonstration that so far as its application is concerned, the law has been used for the punishment of "Mormons," while the grossest offenses can be perpetrated with impunity by other classes of citizens.

It is difficult to imagine a case in which the evidence was more conclusive than the one referred to. The marriage of the defendant to James M. White was proved by the testimony of the official who performed the ceremony. Witnesses testified that they found her in joint occupancy of a room with Frank Engler, under circumstances pointing strongly to the adulterous character of their associations. One witness, U. S. Deputy Marshal Pratt, also testified to the fact that the woman had admitted her guilt and stated that it was no use for her to fight the case.

In the face of these facts, look at the result! The case was given to the jury, consisting of eleven non-"Mormons" and one "Mormon," yesterday afternoon. From the start the eleven were for acquittal, and one, the "Mormon" for a verdict of guilty. The odd man who was in favor of the enforcement of the law yielded and within thirty minutes the jury returned into court with a verdict of not guilty.

Place such instances as this along side of the vigorous and vindictive prosecution of "Mormons," who are convicted on the most attenuated evidence and herded into the penitentiary, and what is the conclusion? No other can be arrived at than that the courts of this Territory are used as a species of crushing, anti-"Mormon" machinery, into the coils of which non-"Mormons" need not enter.

It was hoped that, in view of the expressed intention of the Chief Executive of the Republic to see that the laws are enforced against all classes alike, there would have been an abatement of the one-sided justice which has, by a long series of abuses, brought the Utah courts into merited popular contempt. It appears, however, that the flagrant outrage is to be perpetuated, unless some decisive action is taken in relation to those who unjustly discriminate in the enforcement and administration of the law.

It is useless for officials to try to throw the odium of such results as that reached in the case immediately in point upon the jury. Had there been an impartial administration of the law throughout, the morale of juries would not have sunk to the debased level it has reached. In this regard Attorney Gee, counsel for May White, administered a stinging blow upon the official cheek of Assistant District Attorney Varian and indirectly upon the ear of the Court. He said that he (Mr. Varian) had declined to prosecute a number of cases of persons charged with lewd and lascivious conduct and moved for the dismissal of the defendants, one of the grounds for this action being his allegation that the witnesses were not entitled to be believed. Mr. Gee said the witnesses in the case he was defending were of the same class. The slim apology offered by Mr. Varian was to the effect that the cases referred to were of a different character to that under trial. They doubtless differed in some of their features, but the offenses charged were bona fide infractions of the law, and it was his duty to prosecute and that of the court to try them. Had the accused been "Mormons," they would, without doubt, have been prosecuted with vigor and vindictiveness.

Just such proceedings as those referred to by Mr. Gee have given anti-"Mormons" of whom juries are almost entirely composed, the idea that those belonging to their own class should escape unwhipped of justice, no matter as to the character of the evi-

dence adduced against them. On the other hand that "Mormons" accused of offenses should invariably be found guilty, if there is a shadow of evidence upon which to hang a verdict of that kind. Such results as that reached in the May White case is what might be expected as a product of the way in which the courts of Utah have been manipulated.

THE EXCURSION SEASON.

WE are in receipt of a communication from a correspondent who offers a number of suggestions relative to remedies for the evils that are connected with excursions, bathing and kindred forms of recreation. The writer deprecates the danger to which our youth are exposed through the evil associations of such amusements, and one remedy which he suggests is the beautifying of Liberty Park, the Warm Springs and grounds, and other public property owned by the city, in such a manner as to make them attractive places of resort, and asks if a special tax could not be raised for this purpose if the city's present revenue is not sufficient. The argument of our correspondent that the community ought to be willing to make some sacrifice for the preservation of its youth, must be conceded, as also must be his proposition that the expense of visiting pleasure grounds close at hand would be less than that which attends a trip to one of the Lake resorts.

But it is difficult to understand in what manner such improvements of city property would operate in effecting a cure, or even a mitigation of the moral evils of which our correspondent speaks. Pleasure resorts created by the city would have to be open to all classes of citizens alike, hence we should have at Liberty Park, the Warm Springs and all places of the kind established under the auspices of the city government, the same "mixing of the hairs with the butter" which is seen at the present bathing and pleasure resorts. Doubtless also the improvement of those parks would lead to the establishment of drinking places adjacent, even if not allowed on the grounds.

The way to avoid the evils of bad company is to keep out of it. Parents, guardians, and the agencies of Sunday schools and of the Church can, by the use of tact and good judgment, do a great deal to prevent evil influences from gaining a foothold among, or an ascendancy over the youth.

THE APPROACHING FOURTH.

IT will be observed by a statement published elsewhere in this issue, that a number of citizens are making an effort to work up a Fourth of July celebration in this city. If we view the position correctly, if they anticipate that their labors will be crowned with large success, they will be considerably disappointed, for reasons that are apparent on the surface of things. It is unnecessary to dig deep in order to discover them.

Speaking of the great majority of the people of this city and Territory, there is no community in this Republic who entertain greater reverence for the mighty and patriotic work accomplished by the fathers of the nation. They were master spirits, divinely inspired in a large degree for the purpose of founding a free government under which it is possible for all men to possess and enjoy their inalienable rights.

The villifications of their enemies to the contrary notwithstanding, a more loyal people to the genuine institutions of the country than the majority of Utah is not to be found, and when they were in possession of their natural rights under the truly American system of rule, none were more ready to enter into the celebration of the anniversary of the nation's birthday with spirit, thoroughness and enthusiasm. In bygone days such seasons of rejoicing were as completely and heartily recognized as in any part of the Union.

Of late years a change has come over the face of affairs. Those same people have, to a large extent, been deprived of their rights, liberties and privileges, and have been to their immense disadvantage treated unequally under the law. These wrongs have been produced by the machinations of a knot of political conspirators, who are the enemies of those institutions for the establishment of which the fathers struggled, fought, bled and died. The wrongs under which the colonists groined and which caused them to revolt, were largely similar to those which of late years have been imposed upon the Latter-day Saints. We are assured that many of the people feel a deep degree of regret that the principles of human liberty established by the founders of the nation have been disregarded in the treatment they have received, and this sorrowful sentiment is a bar to their entering whole-heartedly into the celebration of the birth of that freedom, the full enjoyment of which is to them denied.

When the clouds roll by, and the