

REMARKS

BY

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DELIVERED

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REPORTED BY JOHN IRVINE.

Visit to Arizona and New Mexico—Condition of the settlements—Our enemies—The "obnoxious doctrine"—Things pertaining to conscience—The Saints striving to live their religion—Prosperity on every hand—Persecution—Temples—The load the Saints are carrying—Conclusion.

I AM thankful for the opportunity afforded me of meeting with the Latter-day Saints in this Tabernacle. Though I have been absent but a short time, yet it has been a long journey in one sense of the word. Brother F. M. Lyman and myself left this place on the 3rd of May for the purpose of visiting our settlements in the northern part of Arizona and New Mexico. We have accomplished the object of our mission and are thankful to be at home again. We have met many friends in these distant settlements, and I might say some enemies; but we have been particularly favored in all of our meetings, and where we found enemies in some instances we left them friends; for as I understand the mission of the Elders of this Church it is a mission of peace, to extend the olive branch to all people upon the face of the earth. I do not consider it my duty nor my privilege to make war upon individuals or upon sects or parties in the Territories of Arizona or New Mexico, not even in the Territory of Utah. From my earliest recollections, pretty nearly to the present time, constant persecution has followed this people. I do not feel like persecuting. I have felt sometimes that I would like to stand up for my rights and tell men, "Thus far can you go and no further;" but I have come to the conclusion that I have no desire to take that little business out of the hands of God Almighty. He has managed it excellently well thus far in behalf of this people, far better and more gloriously than any human being could have managed it; for if we had had our desires sometimes we might have injured the cause of God. While for a little season we have suffered, in the end we have been made whole and have been greatly extended, greatly blessed, and God continues to be our friend.

In the settlements we have visited, we found our enemies in the same condition that enemies have shown themselves to be in this Territory—fighting, beating the empty air, thinking that they had a foe before them, thinking that they had somebody that they could persecute; but their anger has been turned towards each other, and God has over-ruled for the good of those that serve Him.

We have visited most of our settlements in the Territories I have mentioned—Arizona and New Mexico—and while one would suppose from the vituperations of the wicked that all was excitement and that our people were frightened and about to be swallowed up, I can say that we found the Saints peacefully enjoying their homes. They were ploughing the ground, planting the corn, sowing the wheat, planting out orchards, vineyards, putting up fences, erecting new buildings, making reservoirs to retain the water that they might have wherewith to irrigate their crops, opening up farms, clearing away the timber where they could have other farms, etc. We found all this work going on; found the people going to meeting on the Sabbath day; preaching and teaching the peaceful things of the Kingdom of God, the children attending their Sabbath schools; also their day schools, as we term them, in need of teachers in some places, but any number of pupils; and wherever we have attended conference among the Latter-day Saints the rule has held good that one-third of the population of these settlements were under eight years of age. It is a remarkable thing, very strange indeed; but we find that in our settlements in the south our people are greatly blessed, as elsewhere, with children, and this valuable immigration from above is extending. I do not know how long it will be before Congress will legislate against having babies; but it don't look much like this immigration could be stopped now. These children are swelling the ranks of the Latter-day Saints, and the Saints are struggling, with what power God has given them, to provide the means of good education and to bring them up in the way that they should go. I can see no objection to this myself, others may; but God is good to this people; and we find peace and harmony and prosperity as a general thing among the Latter-day Saints in the eastern Arizona, and also in the Little Colorado Stakes of Zion. I was thankful to see all this; for it was a testimony that God is mindful of His people.

It is true that some people whom we met in the capital of Arizona Territory urged upon us the necessity of not introducing what they believe to be our favorite doctrine into the Territory of Arizona—plural marriage. Those who were inclined to be friendly to us said: "Gentlemen, make your fight in Utah. You are in the majority there. Don't introduce this practice into Arizona. You are few in number here and your enemies are numerous and perfectly relentless. They don't care to what

trouble or inconvenience you are put to; and while your settlements are struggling in their infancy eliminate this doctrine from your creed, that which is obnoxious to the people, and introduce only that that can be tolerated, at least until you gain strength to walk alone." To the gentlemen who said this to me in all sincerity, in all good feeling, I made this answer: "So far as our doctrines are concerned we know them to be from God." Yes, they are the revelations of the mind and will of God to us, and the "obnoxious doctrine" (so called) to this nation, and I might say the civilized world, we know to be a revelation from Almighty God to us. If you would have us eliminate from this book [the Book of Doctrine and Covenants], one revelation that God has given us simply because the people at large, and the majority of the people of this nation, have decided that it is untrue, which next in the category of the revelations which God has revealed must we eliminate from this book? Must we give up principle and doctrine simply to suit a majority of people? In one sense of the word our Republican institutions are supposed to place the power of success in the hands of the majority; but we have never found it so—our experience differs on this point. We have been in the minority for upwards of 50 years, and we have been crowded and apparently overwhelmed. Thousands of wealthy people sought to crush us when we were but small, but a child, as it were. But the majority did not succeed. Why? Because the infant struggling for bare existence has been led and preserved by the hand of God. They were led into a land which seemed a desert; but now flowing with all that could strengthen that child, bring it forward, and make it a full grown man as we see the people to-day. I am willing, in political matters, to take that stand in the midst of this people under present circumstances at least, to let the majority rule, and if one side is the weaker which necessarily is the case, let it say amen in a political sense to what the stronger party may do for the government of this Territory. But in the things pertaining to conscience, no man, no set of men, no Governor, no President, can control me before my God. I must control my own heart, my own feelings. I am a free man in relation to these matters, not bowing to any majority nor to any party. So are all the Latter-day Saints. We are free to worship God according to the dictates of our own conscience.

But, says one, you are breaking the laws. How do you know we are breaking the laws? I think some one has written, and it used to be taken for sound doctrine, that a bad law is no law at all. But it is not so now. A bad law must pass current for a little season, and it may last a good while if the wicked rule; but, thank God, there are honest men to be raised up to rule the country who will administer justice and equity in the midst of the people.

In our settlements in Arizona and New Mexico we found the same feelings predominating that we find here in Salt Lake and in the settlements in this Territory. We find the good are growing better, their faith is increasing, they are laboring more assiduously to promote the interests of Zion; while those that are weak are growing weaker, those that are bad are growing worse; and I have always believed that the Kingdom of God could never be strengthened by numbers when those numbers were of a mixed character, the good with the bad. If, as we believe and testify, this is the Church and Kingdom of God, the wheat and the tares will grow together for a little season until those that are, or may be termed, the wheat, may be strengthened, and the tares may be plucked up and bound in bundles ready for the burning. I was thankful, however, to witness the fact that the Latter-day Saints, at least the majority of them, are growing better, becoming firmer in the principles of the everlasting Gospel. They strive to practice what they preach, and the saints in the south are no exception to this rule. They are seeking to live their religion, to serve God, to perfect themselves in the knowledge of the truth, and to build up a Zion here in this Territory. The golden rule which has been laid down, and this people have adopted it, "Do unto others as you would have others do unto you," has been changed a little in some districts which we have visited, not among our people, but among those of the world. They have changed it and say, "Do unto others as others would have you do unto (?) them." It is a brass rule, a counterfeit, it is not the golden rule; but the Latter-day Saints in all of their troubles and trials in these extended regions which we have visited have adopted the golden rule and are seeking to put it into practice, not only towards each other, but towards those who are inimical to their interests.

As I have said, the settlements are in a prosperous condition. Some of them have even profited greatly by certain laws which have been enacted, in the Territory of Arizona particularly. I found in one settlement that the people were receiving school tax money to exceed all of their other taxes put together. There was refunded to them from the Territorial school tax more money than they paid out for all their taxes. I was surprised at this; but it simply proved this fact: that the Latter-day Saints had children in excess of other settlements in the Territory. I thought Zion is growing. If those who desire can succeed in placing us at the mercy of our enemies I

presume these things will be changed; but at present Zion is growing. I have never seen among the people of the Latter-day Saints greater progress both in secular and spiritual matters than I witnessed in the settlements we have visited in the last two months. One would suppose from what is said in the papers, and the coldness that is exhibited by even fair-minded men in relation to the cause of this people—one would suppose that it would at least check our progress; that under the present pressure the Latter-day Saints would begin to weaken in their faith, and in laboring to establish such unpopular doctrines and principles as they are undertaking to establish, but all this seems to make the saints more zealous in their labors.

Persecution has done us no harm. In fact it seems to me that we need about so much persecution—that we need to carry great loads to make us remember our God. If all was prosperity and peace, I presume we would lose our faith, just as the ancient Christians did when they became popular. But I pray that the time may never come that we may be popular with a people who foster such institutions as are found in Christendom to-day.

With all this persecution upon us, the Latter-day Saints are doing what may be rightfully termed a stupendous labor. Look abroad upon what the people are doing. Go to the settlements; see the improvements they are making upon their farms, in their dwellings, in everything. Behold these temples that are being reared costing millions of dollars! Who is doing this labor? Is it any rich man worth millions of dollars? No. It is a few poor people, comparatively speaking, who are rearing these temples at such immense cost. What are they doing it for? The question may well be asked, What are we expending these immense sums of money for? We are preparing for the second coming of the Lord Jesus Christ, just as truly as the world is ripening in iniquity and preparing to receive His judgments when He does come. That is a pretty bold saying, but it is true. We are doing this labor, and we have got all Christendom to carry on our shoulders with their special legislation, with their persecution, and with their antagonism, all aiming to destroy us. Hence, with all this, we have our hands as full as any other people upon the face of the earth. Our labor for the dead alone, which is occupying so much of our attention, is more than all Christendom ever dreamed of—for the amelioration of the condition of their progenitors. They don't know anything about it, though their own Bible speaks of this principle. Who are we laboring for? Ourselves alone? No. We are laboring for the sires of those men who are persecuting us to-day, for the men who would trample us in the dust and destroy the institution which God has revealed. We are laboring to carry the Gospel to those that are in prison to whom Jesus preached, and to those that have died without a knowledge of the Gospel. We are struggling, I say, with superhuman effort to erect temples wherein this work may be done. It is for their fathers and their mothers that we are laboring. We are striving to tell the people of the world what we are doing. I as an individual cannot shirk it. I have my part to perform. So have these men and these women throughout the length and breadth of the Territories and States we occupy. I wish Christendom knew what we are doing. I wish they knew what God has commanded us to do. They would take the yoke from our necks so far as they are concerned. And still what would we amount to without opposition? Nothing. We must have the opposition of the world. If we were of the world the world would love us; but we have come out of the world, therefore the world hate us. That is true in every sense of the word.

God help us to carry our load faithfully, earnestly, sincerely, with the integrity which God alone can give, being kind to all men, and seeking with every effort and every energy of our natures to follow the example that Jesus gave, that we may attain to salvation in the Kingdom of God, is my prayer, in the name of Jesus. Amen.

THE UTAH BILL IN THE SENATE.

SPEECH OF SENATOR RAYARD.

The senate as in Committee of the Whole, resumed the consideration of the bill (S. 1283) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. Bayard. Mr. President, there were certain features of this bill reported by the Senator from Massachusetts from the committee on the Judiciary to which I was unable to give my assent. The first section of the bill provides:

That in any proceeding and examination before a grand jury, a judge, justice, or a United States commissioner, or a court in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called and may be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be.

I was unable to give my assent to that section and even after the able argument of my friend from Arkansas

[Mr. Garland] my views have not changed. In dealing with this question of the government of a Territory and in dealing with a state of facts alarming as they are which we find there to-day and which unhappily have existed there for the last quarter of a century as the controlling power of one of the Territories and threatening to spread and become the controlling power of others I have been very desirous that the Government of the United States in all its branches, that the two chambers of legislation with all of their varied sentiments as to party politics, should be of one mind and present a single face on this subject. Under the Constitution the power being given to Congress to make all needful rules and regulations respecting the Territory and other property of the United States, and that being coupled with the power in Congress to admit new States into the Union, and in the same association of words the duty being imposed upon the United States to guarantee to every State of the Union a republican form of government, my view has been that there should be one, feeling, one vote among men of all parties in both Houses of Congress, that a form of government should not grow up in a Territory which was not republican; that all needful rules and regulations within the power of Congress necessary to prepare that State to be a member of this Union, should be executed without regard to party name or party lines. And therefore it is with regret that I find I am unable to go with the committee who have reported this bill, in some of the features of the measure that they have proposed, and one is the compulsory examination of a lawful husband or a lawful wife against the lawful husband or the lawful wife, where they shall be charged with certain offences named in the bill.

Mr. President, the honorable Senator from Massachusetts [Mr. Hoar] in introducing this bill stated its intention, using the word "we," I suppose meaning by that himself and those who represent the majority of the people of this country. He said:

We do not mean to have in the heart of our continent a nation grow up under the Constitution of the United States upon the Territory belonging to the United States, upon territory over which it is the constitutional duty of Congress to exercise exclusive legislation until the settlers there shall be admitted to the Union as an American State, founded upon the denial of the purity and integrity of the family relation.

In the first place, our power is not the power of "exclusive legislation." The power of "exclusive legislation" is conferred by the Constitution in respect of the District of Columbia. That language is not used in respect of the Territories of the United States, but "all needful rules and regulations" may be made for them. So it has been from the foundation of this government, since the time the first Territorial government was organized, that Congress has reserved the power in appeal to control, a revisory power over the Territories, and has permitted to them just as much self-government as it was safe and proper in the opinion of the Congress of the United States for them to exercise.

Mr. President, I fear that this definition of the Senator from Massachusetts would lead the Congress of the United States rather to invade the domain of morals and forget the limitation of the domain of law. I prefer to deal with this subject according to our constitutional duty to make the needful rules and regulations and to guarantee to each State of the Union a republican form of government; and in making needful rules and regulations preparatory for the exercise of that other discretion for the Congress of admitting these Territories as new States when their population and their circumstances shall warrant it, I think it is manifestly our first duty that none but republican institutions shall exist, none but republican forms of government shall exist; and, standing in the face of what we see to-day, is there any man in this Chamber or out of it who will say that the Church of the Mormons is a republican form or theory of government? It is a priesthood; it is a hierarchy; I will not call it a theocracy; but it is a hierarchy, and it is not either in form or substance, in theory or in practice, a republican form of government.

The Constitution of the United States forbids the existence of a religious test; and an inchoate State, a community forming itself so far as it may under our system for admission into the Union, ought not to be allowed to establish a religious test for the election of its officers; and yet we know as a fact that it is not the Constitution of the United States, it is not the theory of a republic, it is not the principles of free government as contained in the Constitution that form the government of the Territory of Utah or are in the least degree respected by the majority of the inhabitants or by those who control it. Therefore it is in this view that I find my measure of duty and my measure of power to prevent the establishment of a government within the Union which is not in its essence and in its form a republican government.

Sir, I do not believe that polygamy is consistent with a republican form of government. Matrimony is an institution, civil and religious, but it is also a political institution. There never has been a day since this was a country, either colonial or State or now cemented into a National Union, a nation of States, when the great law of Christendom as to marriage, the voluntary union of one man to one

woman for life, and to none other, has not been the law of every part of this country. There never has been a time when bigamy and polygamy were not punishable by the law of every state of the Union and by the laws of the United States as applied to the Territories.

I say that the institution of polygamy is inconsistent with a republican form of government as expressed under our system. It necessarily involves the degradation of one of the sexes; it involves the inequality of the sexes; it would destroy the equality of the sexes, which is the basis of marriage as understood by the universal law of this country and of that from which we mainly draw our institutions. Matrimony is an institution of society, and it is regulated by the laws of the Government. I do not propose now to pass into a discussion upon the importance to civilization of this tie, this mysterious tie, but I hold that monogamy, an accepted social and political institution of the United States, and that polygamy is forbidden. How shall we best drive out polygamy but by placing monogamy in its place? And it seems to me that this section which I have read is fatal to the very idea of the oneness and the unity that monogamy was intended to create. The absolute identity of interest and of person is the very essence of the marriage, both civil and religious and political, as known to the law of the United States and to the common law.

Mr. President, this relation, with all the profound results that stem from it, has been recognized and respected by the law in all its departments, especially in applying the rule of evidence for the eviceration of truth. There is no writer upon a denize more philosophic and with high accepted position than Judge Stark I should like to read one or two of his declarations upon this subject.

There are—
He says—

also some instances where the law excludes particular evidence, not because in its nature it is suspicious or doubtful, but on grounds of public policy, and because greater mischief and inconvenience would result from the reception than from the exclusion of such evidence; on this account a general rule that the husband and wife not give evidence to effect each other, either civilly or criminally. For to admit such evidence would occasion domestic dissension and discord; it would compel a violation of that confidence which ought, from the nature of the relation, to be regarded as sacred; and it would be arming each of the parties with the means of offense which might be used for very dangerous purposes.

Until within thirty years there was not to be found a case nor the suggestion that a wife could be examined either civilly or criminally, in a case where her husband was concerned, except in cases involving her personal safety or the protection of her life. The law of England during the early years of the reign of the present sovereign of that country was largely amended. Two acts, one bearing the name of Lord Denman, and another, an amendment of that act, passed chiefly under the influence of Lord Brougham struck out all reason for incompleteness because of the interest of the parties to a suit, allowing them to testify where they were admittedly in interest but subjecting the credibility of the testimony to the judgment of the tribunal that heard them. But in those laws admitting a man first to be called against his own interest, then to be examined in his own interest, as in those cases and under those laws there was an express exception against calling the wife to testify for or against the husband involuntarily.

There were a number of provisions in Lord Denman's act, and there were but one or two exceptions, and one of those exceptions was "the husband and wife of such persons, respectively."

The law has ever regarded the interest of husband and wife as so identical that when the one was incapacitated on the score of interest the other could not give evidence.

The author then proceeds to show an action for the recovery of goods that the one being exceptionable to the other was necessarily so. I will not fatigue the Senate by reading his remarks as to the disability to receive evidence in civil cases; but after Lord Denman's act was passed and Lord Brougham introduced his last and most sweeping measure on the subject of the admission of witnesses on grounds of interest this exception was found.

Nothing herein contained shall render any person who in any criminal proceeding is charged with the commission of any indictable offense, or any offense punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person competent to answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

That is the law of England to-day. They were far in advance of the Legislatures of the United States in removing the disability to give testimony on the ground of interest; and yet to-day there is not a court of Great Britain in which a man can be compelled to give testimony against himself, and there is not one where his wife can be compelled to give testimony against her husband. If this be the law in England a fortiori it is the law of the United States. It is not a mere statute to be passed and repealed at will, but it is passed in relation to a profound principle and necessity of society. The Constitution of the United States forbids men to be examined and compelled to give testimony against themselves. The very meaning, the very best mean-