DESERET EVENING NEWS: SATURDAY, JUNE 16, 1906.

everest condemnation in all legitimate

The Manifesto a Deception.

Against these facts the authorities if the Mormon Church urge that in the rear 1890 what is generally termed ar 1890 what is generally the first manifesto was issued by the first manifesto was issued by the first manifesto was issued by the first manifestory of that Church, suspendthe practise of polygamy among members of that Church. It may said in the first place that this man-sto misstates the facts in regard to lemnization of plural marriages in a short period preceding the isand in a non-period preceding the isthere that in a number of instances dural marriages had been solemnized to the Mormon Church, and, in the ase of those high in authority in that hurch, within a very few months receding the issuing of the manifesto. It is also observable that this mani-tio in no way declares the principle

ygamy to be wrong or abrogates is a doctrine of the Mormon Church, simply suspends the practise of ygamy to be resumed at some more ient season, either with or withanother revelation. It is now ed by the first president and prominent officials of the Morthen church that the manifesto was revelation, but was, at st. an inspired document, then confronting" these who tere practising polygamy and polygmon leaders are pleased the principle of plural mar-Mormon term as much a tenet of their faith practise when possible, as すけ出来そ nd rule of practise manifesto was is-was before the manifesto was is-Smith testified as follows:

Mr. Taylor-The revelation which willord Woodruff received in consepuence of which the suspended did not, pural wives was suspended did not, as you understand, change the divine view of plural marriage, did tt? Mr. Smith-It did not change our

belief at all Tayler-It did not change your Mr. bellef at all?

Mr. Smith-Not at all, str.

Mr. Smith-Nor dt an, Sr. Mr. Tayler-You continued to be-lieve that plural marriages were right? Mr. Smith-We did. I did, at least. I do not answer for anybody else. I continue to believe as I did before. (Vol. L p. 107.)

And one of the twelve apostles has declared the fact to be that "the manideclared the devil a trick to beat the devil festo is only a trick to beat the devil of his own game." Further than this, if his own game." s conceded by all that this manifesto was intended to prohibit polygamous cohabitation as strongly as it prohibited the solemnization of plural mar-riages. In the case of polygamous ringes. phabitation, the manifesto has been wholly disregarded by the members of the Mormon Church. It is hardly reasonable to expect that the members of that Church would have any greater regard for the prohibition of plural marriages.

One Laving in Polygamous Cohabitation is in Law a Polygamist.

The members of the first presidency nd twelve apostles of the Mormon hurch claim that there is a distinction between what they term polygamy -that is, the contracting of plural marriages-and polygamous cohabitaion with plural wives. But under the froumstances this distinction is little short of ridiculous. As is demonstrat-ed by the testimony, the so-called manifesto was simed at polygamous cohabitation, as well as against the taking of plural wives, and it is the veriest sophistry to contend that open otorious cohabitation with plural tives is less offensive to public morals in the taking of additional wives, Indeed, it is the testimony of some of those who reside in communities that cursed by the evils of polygamy polygamous cohabitation is fully as offensive to the sense of decency of the mabitants of those communities as rould be the taking of plural wives. And this excuse of the Mormon lead-In the case of Murphy vs. 101118amsay, decided by the supreme court the United States and reported in the United States Supreme Court Reperis, volume 114, page 15, it was deelded that any man is a polygamist who maintains the relation of husband to a plurality of wives, even though in fact he may cohabit with only one. The court further held in the same case that a man occupying this relation to two or more women can only cease to be a po-lygamist when he has finally and fully dissolved the relation of husband to several wives. In other words, there is and can be no practical difference in aw or in morals between the offense taking plural wives and the offense of polygamous cohabitation. The same doctrine is affirmed in the case of Cannon vs. United States (116 U. S. Supreme Court Reports, p. 55).

that Church countenance and encourage polygamy. conduct of Mr. Smoot in this re-

gard cannot be separated from that of his associates in the government of the Mormon Church. Whatever his private opinions or his private conduct may be, he stands before the world as an integral part of the organization which en courages, counsels, and approves polys-amy, which not only fails to discipline those who break the laws of the country, but, on the contrary, loads with honors and favors those who are

among the most noted polygamists within the pale of that Church. It is an elementary principle of law that where two or more persons are associated together in an act, an or-ganization, an enterprise, or a course of conduct, which is in its character or impose unlow that the second purpose unlawful, the act of any one of those who are thus associated is the act of all, and the act of any number of the associates is the act of each one of the others.

An eminent legal authority says:

"Every person entering into a conspiracy or common design already formed is deemed in law a party to all acts done by and of the other parties. before or afterwards, in furtherance of the common design. The principle on which the acts and declarations of other conspirators, and acts done at different times, are admitted in evi-dence against the persons prosecuted is that by the act of conspiring together the conspirators have jointly assumed to themselves, as a body, the attribute of individuality so far as regards the prosecution of the common design, thus rendering whatever is done or said by Enyone in furtherance of that design a part of the res gestae and therefore the act of all." (2 Greenleaf on Evidence, sec. 93, 94. See also Commonwealth vs. Warren, 6 Mass., 74; People vs. Mather. 4 Wend., 229, 260; People vs. Peckens, 153 N. Y., 576, 588, 593; United States vs. Gooding, 12 Wheaton, 459, 469; American Fur Company vs. United States, 2 Peters, 358, 365; Nudd et al. vs. Burrows, 91 U. S., 426, 438; United States vs. Mitchell, 1 Hughes, 439 (Federal cases No. 15790); Stewart vs. Johnson, 3 Har. (N. J.), 87; Hinchman vs. Ritchie, Brightley's N. P. (Pa.), 143; Freeman vs. Stine, 34 Leg. Int. (Pa.), 95; Spies et al. vs. People, 122 Illinois, 1.)

The case last cited tilustrates this principle more forcibly than any of the others referred to. In that case, which is commonly known as "the anarchists" case." there was, as to some of the defendants, very little evidence, and as to others of the defendants no satisfactory evidence that they were present at the commission of the murder with which they were charged, or advised or intended the murder which was com-mitted by an unknown person. But it was proved that the defendants were members of an organization known as the International association of Chica-go, having for its object the destruction of the law and government and inci-dentally of the police and militia as the representatives or naw and government, and that some of the de-fendants had, by spoken and print-ed appeals to workingmen and others, urged the use of force, deadly

weapons, and dynamite in resistance to the law and its officers. ing language:

"Now on the question of the instructions, whether these defendants, or any of them, anticipated or expected the throwing of the bomb on the night of the 4th of May is not a question which I need to consider, because the viction can not be sustained, if that is necessary to a conviction, however much evidence of it there may be, ba-cause the instructions do not go upon that ground. The jury was not in-structed to find the defendants guilty if they believed they participated in the throwing of that bomb, or advised or encouraged the throwing of that bomb or anything of that sort. or anything of that sort. Conviction has not gone upon the ground that they

By repeated acts, and in a number of instances, Mr. Smoot has, as a member of the quorum of the twelve apostles, given active aid and support to the members of the first presidency and twelve apostles in their defiance of the laws of the State of Utah and of the laws of common decency, and their en-couragement of polygamous practises

by both precept and example. It is shown by the testimony of Mr. Smoot himself that he assisted in the elevation of Joseph F. Smith to the presidency of the Mormon Church, That he has since recentedly voted to sushe has since repeatedly voted to sus-tain said Joseph F. Smith, and that he so voted after full knowledge that said Joseph F. Smith was living in polygamous cohabitation and had asserted his intention to continue in this course in defiance of the laws of God and man. He also assisted in the selection of Hober J. Grant as president of a mission when it was a matter of common notorlety that said Heber J. Grant was a polygamist. He voted for the election of Charles W. Penrose ns an apostle of the Mormon Church after testimony

had been given in this investigation showing him to be a polyganist. It is difficult to perceive how Mr. Smoot could have given greater encouragement It is to polygamy and polygamous cohabi-tation than by thus assisting in conferring one of the highest honors and offices in the Mormon Church on one who had been and was then guilty of these crimes. As trustee of an edu-cational institution he made no protest against the continuance in office of Benjamin Cluff, Jr., a noted polygamist, as president of that institution, for made any office to discuss the test made any effort to discover the truth made any enort to taken another plur-that said Cluff had taken another plural wife long after the manifesto. Nor-did he make any protest, as such trus-tee, against the election of George H. Brimhall mother polygamist, in me place of Benjamin Char, Jr. Since his election as an aposite of the Mormon Church Mr. Smoot has been infimitely associated with the forth

infinately associated with the first president and with those who-with himself-constitute the council of the twelve aposites. The fact that many of these officials were living in polyg-amous relations with a number of wives was a matter of such common knowl-edge in the community that it is in-credible that Mr. Smoot should not have had sufficient notice of this condition of affairs to at least have put alm on inquiry. If he did not know of these on inquiry. If he did not know of these facts, it was because he took pains not to be informed of them. At no time has he uttered a syl-lable of protest against the conduct of his associates in the lead-ership of the Mormon Church, but, on the section of the more church but, on the contrary, has sustained them in their encouragement of polygamy and polygamous cohabitation, both by his acts (as hereinbefore set forth) and by his shence. In the judgment of the committee, Mr. Smoot is no more entitled to a seat in the senate than he would be if he were associating in polygamous cohabitation with a plurality of wives.

Domination of Leaders of the Mormon Church in Secular Affairs.

A careful examination and considcration of the testimony taken before the committee in this investigation leads to the conclusion that the ale-In denying the motion for a new trial in the anarchists' case the judge who presided at the trial used the followand that the Pirst Presidency and twelve apostles of the Church of Jesus Christ of Latter-day Saints exercise a controlling influence over the action of the members of that Church in secular affairs as well as in spiritual matters and that contrary to the principles of the common law, under which we live, and the constitution of the State of Utah, the said first presidency and twelve apostles of the Mormon Church dominate the affairs of the state and constantly interfere in the performance of its functions. The domination by the leaders of the Church under their claim to exercise divine authority in all matters is manifested in a general

way in innumerable instances. The right to do so is openly claimed by those who profess to speak in be-half of the Church. As late as Feb. 1904, one of the twelve apostles a public address, said "that from the view point of the gospel thet' could be no separation of temporal an spiritual things, and those who object to Church people advising and taking part in temporal things have no true concep-tion of the Gospel of Christ and the mission of the Church." The method by which the first presidency and twelve apostles of the Mormon Church direct all the temporal af-fairs of the members of that Church under the claim that such direction is by divine authority, is by requiring the members of the Church in all their affairs, both spiritual and temporal and especially the latter, to "take coun-sel." This means that they are to be advised by their immediate superiors. These superiors in turn take their instructions from those above them, and so on back to the point whence most, if not all, these directions emanatethat is, the first presidency and twelve apostles. As was said by Mr. Chief Justice Zane, of Utah, in 1887: "At the head of this corporate body, according to the faith professed, is a seer and revelator, who receives in revelations the will of the infinite God concerning the duty that man owes to himself, to his fellow-beings, to society, to human government, and to God. In to human government, and to Goo, in subordination to this head are a vast number of officials of various kinds and descriptions, comprising a most minute and complete organization. The people comprising this organization claim to direct and lead by inspiration which is above all human visdom, subject to a power above all municipal government, above all man-made law. (Vol. 1, p. 809.) The phrase "take counsel" does not mean that the members of the Church shall inquire of those above them in all cases concerning their action, but that they shall receive counsel—that is, di-rection—from those above them, and this counsel they are to implicitly obey. If they fail to do so they are excom-If they fail to do so they are excom-municated from the Church and de-prived, not only of the privileges of membership in the Church, but, as they are assured and believe, they thereby forfeit all hope of happiness in a future life. The absolute submission of the great mass of the Mormon Church is illustrated by the fact that it is laid-down by the leaders of the Church as a conducat principle to the members a cardinal principle to the members that, if their file leaders say white is black, "It is their duty to say white is black,"" Instances of the interference of the leaders of the Mormon Church in the secular affairs of their followers could' be multiplied almost without number. In one case a hishop of the Church in one case a bishop of the in the was deposed from his offices in the Church because he promised to obey the laws against polygamy. Another official of the Mormon Church was excemmunicated for be-

curring as late as the early part of 1993, a Mormon official was deposed from his official position for writing a letter to a newspaper criticising Mr. Smoot and his political ambitions,

In another instance, occuring in 1897, a Mormon official was deposed from his official relation to the Church for distributing at a school election a ticket different from that prescribed by the Church authorities.

In the year 1905 a teacher in the Mormon Church was cut off from the Alormon Church was cut on from the Church for apostasy, the ostensible foundation for this charge being a crit-leism of the head of the Church for his polygamous practises: the real ground being that the accused had persisted in engaging in the manufacture of salt, against the interests of the president of the Church and some of his associates.

In what is known as the Birdsall case the officials of the Mormon Church assumed jurisdiction of a controversy concerning the title to real estate, and not only directed a con-veyance of the title to a tract of land, but went further and enforced its decree by spiritual penalities. As has already been stated, no member of the Mormon Church (with possibly a single has ever been dis-or polygamy or polyexception) ciplined for gamous cohabitation in deflance of the law and of the mani-festo; but an obscure and feeble woman was excommunicated from the Church and driven to the verge of insanity for refusing to obey the dic-tates of the Church leaders and relinquish the title to a piece of land in favor of one who had no shadow of legal title thereto. As was testified one of the witnesses for the protestants:

the spirit of apostasy."

schools of that state In these classes the youth of Utah are instructed in doctrines of the Mormon Church by teachers in the public schools, supported by state taxation, the course ported by state taxation, the course of study being prescribed by officials of the Church. This course of study includes the lives of noted Mormons whose chief claim to eminence in the Church lies in their having taken a multiplicity of wives and in their continuance in the crime of polygamous cohabitation.

cohabitation. The teaching of the doctrines, faith, and practises of the Mormon Church in the public schools of Utah, under the direction of the high priesthood of the Church, is not only contrary to the general law governing the use of schoolhouses as expounded by the courts of this country, but is also ex-pressly forbidden by the constitution of the State of Utab, which provides, in article 1, section 4, as follows:

"No public money or property shall be appropriated for or applied to any religious worship, exercises, or instruc-Tengrous worship, exercise,
 tion, or for the support of any ecclesi-astical establishment." (Schofield v.
 School Dist., 27 Conn., 499, Spencer v.
 Joint School Dist., 15 Kans., 259;
 School Dist., v. Arnold, 21, Wis., 657.)

Such teaching is also prohibited by a statute of the Sinte of Utah, which fectares that "No atheistic, infidel, sectarian, religious, or denominational doctrines shall be taught in any of the district schools of this state." (Revised Statutes of Utah, see 1845.) The conduct of the ruling authorities of the Mormon Church in directing the teaching of "religion classes" in the schoolhouses of Utah affords a fair illustration of the contempt with which the rulers of that Church treat all laws and restrictions which stand in the way of their desires, or of their own interests or what they conceive to be the interests of the Church of which they are the head. which they are the head. The fact that these religion classes have been discontinued since their ex-

nized is this fact that in a state convention held in Idaho in the year 1904 one of the leading Mormons made the proposition that in case a certain reso-lution should be withdrawn he would go to Utah and ask the president of the Morfion Church to cease interfer-ing in Idaho polities. Thus it appears that the Mormon Church dominates the affairs of the state of Idaho to an extent only less than it does the affairs of the State of Utab. As an

illustration of this fact, it was shown that a bill in which the Mormon Church was vitally interested was passed by the legislature of Idaho shortly after the visit of one of the apostles of the Mormon Church, who came there for the purpose of procuring such legislation

A striking illustration of the power of the Mormon Church in Utah in matters of legislation appears in the history of what is known as the "Evans bill," which was passed by both houses of the legislature of I'tah in 1901, in order to prevent prosecutions for polygamous consbitation. This bill was favored by the president of the Mormon Church the president of the anormous charges and by a majority of the apostles and was passed by a Morinon logislature. It was vetoed by a Morinon governor, the principal reason for the veto being that the attempted legislation would being charge an unserdiment to the Conbring about an amendment to the Con-stitution of the United States under which those guilty of the crime of poly-gamous cohabitation would be prosecugamous containation would be processi-ted and punished in the federal courts. Perhaps one of the most instructive instances of the exercise of the power of the Mormon Church in political af-fairs was in the matter referred to in the protest as the case of Mores That-cher. In that case the testimony taken before the committee leaves no doubt testants: "Whenever a man disregards the teachings and instructions or counsels of the leaders of the Church he has the spirit of apostasy." of the leaders of the Church he has the spirit of apostasy." A forcible illustration of the dom-ination of the leaders of the Mormon Church over the secular affairs of the people is furnished by the fact that while a majority of these leaders have for years been living in polygamous relations, in defance of law, no one dares to attempt to bring them to jus-tice for fear of the consequences which would bevisited by the Church on the one who should make the complaint And whenever one has been daring enough to make complaint for polyga-mous cohabitation against any mem-ber of the Church to affacts of the away the fuel states senate, but to go out among the people and endeavor to win converts to the party of which he was a converts to the party of which he was a who were prosecuted and convicted have been released after the infliction of a merely nominal punishment. The control which the governing body of the Mormon Church exercises over the secular affairs of the State of Utah is well illustrated by the fact that for many years past what are known as "religion classes" have been schools of the

pass his defeat. As was well said by Mr. Thatcher at the time of this occurrence, this action on the part of the ruling authorlues of the Church transformed the Mormon Church into a great political machine, the steering apparatus of which was in the hands of the 12 or 15 men at the head. All this occurred because Mr. Thatcher refused to "take counsel"-that is, to follow the dictates of the Mormon Church as to who should become candidates for office and

who should not become such. Specific directions given by the heads of the Mormon Church to those under them seem to have varied according to circumstances. Several years ago, and before the admission of Utah in to the Union as a state, it would appear that the apastles of the Mor-mon Church would convey to the members of that Church Instructions con-cerning their political action openly and in public addresses. The people would be told from the pulpts of the Mormon Church what ticket they ought

to support. As late as 1992 m bishop of the Mormon Church called togethed a number of the members of that Church who belonged to a party opposing the party of the bishop, and told those whom he had thus called together that he had

be done, is not done. So well recog- where the Mormon Church is strong the candidates favored by the ruling authorities of that Church are generally elected. The fact that gentiles are sometimes

elected to office in preference to Mor-mons in localities where the Mormons are in the ascendency does not tend to prove the absence of church influence. It is shown by the testimony that the officials of the Mormon Church some-times prefer one Mormon to another and sometimes prefer a gentile to a Mornion. So well is it understood in Utah that the power of the Mormon Church in political affairs must be recgnized and deferred to that in the electhe Mormons must be given what they laim as their share of the offices to be In order to realize the notency of the

refinence which the ruling authorities the Mormon Church exercise in pocal affairs, it must be kept in mind at this influence proceeds from men ho are believed by their followers to a oracles of God; that whatsoever they speak is the word of God; and that the first presidency of the Mormon Church and the council of the twelve apostles are "the mouthplece rverve aposities are "the mouthplece of God." In the efforts put forth by the rulers of the Church to defeat Mores Thatcher, the Mormon people were told that the first presidency and it of the aposities were inspired and that Moses Thatcher, the twelfth apos-tie, was not inspired. The commutize has not evenloated nor The committee has not overlooked nor failed to give due consideration to the

testimony of witnesses called in be-half of Mr. Smoot, who testified that there was no interference by the Mor-non Church in the political affairs of tan or Idaho. But, leaving out of sideration any political or personal bias for Mr. Smoot which those witnesses may have manifested, there is very lit-tie in their restimony aside from and beyond their individual opinion and judgment as regards the political con-ditions in the states named. The testi-mony of these witnesses in no way controverts the facts before referred to from which facts the conclusion is in resistible that the controlling authori ties of the Mormon Church do dominate the political affairs of the State of Itah and control to some extent the solutical affairs of the state of idaho. Without disproof of these facts, or strong proof of countervalling facts, mere opinions of witnesses, however incelligent and however candid, do not

suffice. Not only is Mr. Smoot one of those by and through whom the political affairs of Utah are dominated, but his election to the senate was, it is believed, the result of such domination.

When Mr. Smoot concluded to be-come a candidate for the senate, he was careful to obtain the "consent" of the first presidency and twelve aposties to his candidacy. But this so-called "con-sens" of the rulers of the Church part sent' of the rulers of the Church was paturally regarded by the people of Utah, who were famillar with the ways the Mormon high priesthood, as be ing, under the circumstances, equiva-lend to an indersement and made it impossible for anyone else to become an aspirant for the same position with any

A Practical Union of Church and State.

have of success.

The fact that the adherents of the Mormon Church hold the balance over in politics in some of the states. enables the first presidency and twelve apostles to control the political affairs of those states to any extent they may desire. Thus, a complete union of church and state is formed. This is in accordance with the teachings of the priesthood of the Mormon Church, as promulgated in the writings of men of high authority in the Church, to the effect that the Church is supreme in all matters of government, as well as in all things pertaining to the private life of the cilizen. In one of a series of pamphlets, "On the Doctrines of the by Apostle Orson Pratt, it is a ffirmed The kingdom of God is an order of

government established by divine au-thority. It is the only legal governcan exist in an

ose states under the domination

is true that a number of witnesses tes-tified that no such obligation is contained in the endowment ceremony but it is a very suspicious circumstaned that every one of the witnesses who made this denial refused to state the obligation imposed on those who take

part in the ceremony. The evidence showing that such an obligation is taken is further supported by proof that during the endow ceremonies a prayer is offered asking God to average the blood of Joseph Smith upon this nation, and certain verses from the Bible are read which verses from the Bible are read which are claimed to justify the obligation and the prayer. The fact that such a prayer is offered and that such pas-sages from the Bible are read was not disputed by any witness who sworn on the investigation. Nor - 30° B M Nor was it questioned that by the term "the prophets" as used in the endowment ceremony, reference is made to Josep' and Hyrum Smith. That an obligation of vengeance is part of the endowment ceremony is further attested by the fact that shortly after testimony had been given on that subject before the committee, Bishop Daniel Connelly of the Mormon Church denounced the wifnesses who had given this testimo traitors who had broken their oaths to the Church

The fact that an oath of vengeance is part of the endowment ceremonies and the nature and character of such oath was judicially determined in the Third judicial district court of Utah in the year 1889 in the matter of the applica-tion of John Moore and others to be-come citizens of the United States. In an opinion denying the application, the

"In these applications the usual evi-dence on behalf of the applicants as to residence, moral character, etc., was introduced at a former hearing and was deemed sufficient. Objection was made, however, to the admission of John Moore and William J. Edgar up-on the around that they were members on the ground that they were members of the Mormon Church, and also beof the cause they had gone through the en-dowment house of that Church and there had taken an oath or obligation incompatible with the oath of citizenship they would be required to take if admitted.

admitted. "Those objecting to the right of these applicants to be admitted to citizenship introduced 11 witnesses who had been members of the Church of Jesus Christ of Latter-day Saints, commonly called the 'Mormon' Church.' Several of these witnesses had held the mattion the shormon Church, Several of these witnesses had held the position of bishop in the Church, and all had gone through the endowment house and participated in its ceremonies. The testimony of these witnesses is to the effect that every member of the Church is expected to go through the endow-ment house, and that nearly all do so that marriages are usually solemnized there, and that those who are married elsewhere go through the endowment ccremonies at as early date thereafter as practicable in order that the marital relations shall continue throughout eternity.

"On behalf of the applicants 14 witnesses testified concerning the endowment ceremonies, but all of them de-clined to state what oaths are taken, or what obligations or covenants are there entered into, or what penalties are attached to their violation; and these witnesses, when asked for their reason for deciling to answer, stated that they did so "on a point of honor," while several stated they had forgotten what was said about avenging the

tached thereto, testified generally that there was nothing in the ceremonis inconsistent with loyalty to the govern-ment of the United States, and that the government was not mentioned. One of the objects of this investigation is to ascertain whether the oaths and obli-gations of the endowment house are compatible with good citizenship, and it is not for applicants' witnesses to determine this question. The refusal of applicants' witnesses to state specificially what oath, obligations, or f the nants are taken or entered into in the peremonies renders their testimony universe. All other governments are Inegal and unauthorized. God having made all beings and worlds has the su-preme right to govern them by His own laws and by officers of His own but little value, and tends to confirm rather than contradict the evidence on this point offered by the objectors. The evidence established beyond any rea-sonable doubt that the endowment cerappointment. Any people attempting emonies are inconsistent with the oath an applicant for citizenship is requirto govern themselves and by laws of their own making and by officers of ed to take, and that the oaths, obligaed to take, and that the oaths, obliga-tions, or covenants there made or en-tered hoto are incompatible with the en-ligations and duties of citizens of the United States." (Vol. 4, pp. 340-345.) The obligation hereinbefore set forth is an oath of disloyality to the gov-ernment which the rules of the Mormon Church require, or at lease encourage, every member of their organization to their own appointment, are in direct rebellion against the kingdom of God. Vol. 1, p. 666.) The union of church and state in the Mormon leaders is most abhorrent to our free institutions. John Adams declared that the attempt of the Church of England to extend its jurisdiction every member of that organization over the colonies "contributed as much as any other cause to arouse the attake. It is in harmony with the views and conduct of the leaders of the Mormon people in former days, when they open-ly defied the government of the United States, and is also in harmony with the conduct of those who give the law in the Mormon Church today in their de-fiant disregard of the laws against polytake. ention, not only of the inquiring mind but of the common people, and to urge them to close thinking of the constitutional authority of parliament over the colonies" and to bring on the war of in-dependence. After the colonies had achieved their independence, the complete enfranchisement of the church from the control of the state, and of the state from the control of the church hant divregard of the laws against poly-gamy and polygamous cohabitation. It may be that many of those who take this obligation do so without realizing its treasonable import; but the fact that the first presidency and twelve apostles retain an obligation of that nawas brought about through the efforts of men like Thomas Jefferson and James Madison in Virginia, and those of almost equal prominence in other states. And thus the natural desire of the people of this nation for the entire separation of church and state was inture in the ceremonies of the Church shows that at heart they are hostile to this nution and disloyal to its governcorporated in the Constitution of the And the same spirit of disloyalty manifested also in a number of the hymns contained in the collection of hymns put forth by the rulers of the Mormon Church to be sung by Mormon nited States by the first amendment to that instrument. The right to worship God according to the dictates of one's own conscience is one of the most sacred rights of congregations. There can be no question in regard to every American citizen. No loss sacred is the right of every elifzen to vote acthe taking of the oath of vengeance by Mr. Smoot. He testified that he went through the ceremony of taking the endowments in the year 1880, and the wrding to his conscientious convictions without interference on the part of any church, religious organization, or body of ecclesiastics which eooks to control his political opinions or direct in any way his use of the elective franchise. In the interest of religious freedom head of the Mormon Church statel in his testimouy that the ceremony is not the same that it has always been. An oblightion of the nature of the one before mentioned would seem to be wholly incompatible with the duty which Mr. Smoot as a member of which Mr. Smoot as a member of the United Stains senate would owe to the nation. It is difficult to conceive how ong could discharge the obligation which resis upon every senator to so perform his official duties as to pra-mote the welface of the people of the United States and at the same time be calling down the vengeance of heaven on this nation because of the killing of the fouriers of the Mormon Chusch St the founders of the Mormon Church 6 years ago.

Mr. Smoot Responsible for the Conduct of the Organization to Which He Belongs.

It is urged in behalf of Mr. Smoot that, conceding it to be true that the first president and some of the apostles ire living in polygamy and that some of the leaders of the Mormon Church theourage polygamous practises, Mr. moot himself is not a polygamist, does a practise polygamy, and that there no evidence that he has personally ad individually encouraged the practise of polygamy by members of the Mormon Church, and that he ought not to be condemned because of the acts of his associates. This position is wholly untenable. Mr. Smoot is an in-separable part of the governing body of the Mormon Church-the first presidency and twelve apostles-and those who compose that organization form a unit, an antirety, and whatever is done by that organization is the act of each. and every member thereof, and whatever policy is adopted and pursued by the body which controls the Mormon Church Mr. Smoot must be held to be responsible for as a member of that That one may be legally, as well as morally, responsible for unlawful acts which he does not himself commit is a rule of law too elementary to re-quire discussion. "What one does by "ther he does by himself" is a maxim. as old as the common law. And as the first presidency and twelve apostles of the Mormon Church have authority over the spiritual affairs of the mem-bere of that Church, it follows that such governing body of said Church has supreme authority over the members of that Church in respect to the practise f polygamy and polygamous cohabita-

In England in former years, and under the canon law, matters of mar-riage, divorce, and legitimacy were un-der the jurisdiction of the ecclesiastical marts of the kingdom, in which the unishment was in the nature of a spir-uni penalty for the good of the soul of the offender, this penalty in many cases being that of excommunication of Expulsion from the church. (1 Black-stone's Commentaries, 431; 3 Blackstone's Commentaries, 92; 4 Blacktione's Commentaries, 153 and note; Reynolds vs. United States, 98 U. S., if, 164-165.) And in later years, while the civil law now prohibits and punshes bigamy, the authorities of every hristian church in this country take snizance of matrimonial affairs and the authority of the church in spirflual matters prevent and punish by censure or expulsion any infraction of the rules of the church regarding marriage.

The testimony taken upon this investigation shows beyond controversy that the authority of the first presidency and the twelve apostles of the Mormon Church over the members of said Church is such that were the said first presidency and twelve apostles to propresidency and twelve apostles to pro-hibit the practise of polygamy and po-lygamous cohabitation by its members and abendon the practise themselves and expel from the Church all who should persist in the practise, those of-fenses would instantly cease in that Church. And the fact that not a single member of the Mormon Church has ever fallen into disfavor on account of Church, And the fact that not a single member of the Mormon Church has ever fallen into disfavor on account of polygamous practises is conclusive proof that the ruling authorities of

did have any personal participation in the particular act which caused the death of Degan, but the conviction proceeds upon the ground, under the structions, that they had generally by speech and print, advised large classes of the people, not particular individuals, but large classes, to commit mur-der, and have left the commission. time and place to the individual will and whim, or caprice, or whatever it may be, of each individual man who listened to their advice and influenced by that advice somebody not known did throw the bomb which caused Degan's death." (Century Magazine, April 1893,

p. 835.) It will be seen by the decision of the court upon the motion for a new trial in the case of Sples et al vs people that the anarchists were not convicted upon the ground that they had participated e murder of which they were con-d. Whether they were or were victed. not participants in the commission of this crime was not the main question at issue. They were convicted because they belonged to an organization which, as an organization, advised the

mission of acts which would lead to murder. Of like import is the decision in the Of like import is the decision in the case of Davis vs Beason, decided by the supreme court of the United States in 1859, the decision being reported in volume 133. United States supreme court reports, page 235. At the time of this decision the revised statutes of the state of Idaho provided that no person "who is a member of any order, organ-ization, or association which teaches, advises, counsels, or encourages its members, devoted, or any other person

members, devotes, or any other person gamy, or any other crime defined by law, eltier as a rite or ceremony of such order, organization or association or otherwise, is permitted to vote at any election or to hold any position or

office of honor, trust or prfit within this territory " this territory " This provision of law the supreme court of the United States held to be constitutional and legal. It will be ob-served that this act disfranchises cor-tain persons and makes them ineligible to any tradition of other set from the set of the territory of the set of the to any position or office of honor, trust, or profit, not for committing the crime of polygamy, nor for teaching, advising, counseling or encouraging others to commit the orime, but because of their membership in an organization which feaches, advises, counsels and encourages others to commit the crime of polygamy. In Wooley vs Watkins (2 Idaho Rep., 555, 566), the court says:

"Orders, organizations and associa-tions, by whatever name they may be called, which teach, advise, counsel, or encourage the practise or commission of acts forbidden by law, are criminal organizations. To become and continue to be members of such organizations or associations are such overt acts of recognization and participation as make them particeps criminus and as make them particips community and guilty, in contemplation of criminal law, as though they actually engaged in furthering their unlawful objects and purposes." (See also Innis vs Bolton, 2 Idaho Rep., 407, 414.)

It being a fact that the first presdency and the twelve aposiles of the Mormon Church teach, advise, coulded and encourage the members of that Church to gractise polygamy and polyg-amous cohabitation, which are contracy to both law and morals, and Mr. Smoot, being a member of that organization, he must fall under the same condgramation.

tion. And the rule in civil cases is the same as that which obtains in the admin.s-tration of criminal law. One who is a member of an association of any nature is bound by the action of his associates, whether he favors or disapproves of such action. He can at any time pro-tect hinself from the consequence of any future action of his associates by withdrawing from the association, but while he remains a member of the as-sociation he is responsible for whatever his associates may do.

Mr. Smoot has Countenanced and Encouraged Polygamy.

But the complicity of Mr. Sm

onging to an organization for the en-orcement of the laws and opposing interference of the Church in puboffairs.

Another Mormon official was de-graded in the Church for refusing to

graded in the Church for refueing to obey his file leader. In another case the members of a firm doing business in Salt Lake City were expelled from the Mormon Church because they persisted in engaging in mining operations contrary to the com-mand of the authorities of the Church. In another instance the Church au-thorities interfered in the matter of the establishment of an electric light plant establishment of an electric-light plant In 1903 two members of the Mormon Church who built a dancing pavilion in

opposition to the "counsel" of the Church authorities were summoned for Church authorities, were summoned for trial and excommunication, and final-ly compromised the matter by turning over to the Church officials the man-agement of the pavilion and 25 per cent of the pet earnings. In another case there was a genral understanding that the Church, by its authorities, directed the location of a realroad station. In 1869 four mem-

authorities, directed the location of a railroad station. In 1869 four mem-bers of the Mormon Church wave ex-communicated for apostacy in desir-ing "to open up mines against the teachings of the holy priesthood."

budy great and small. Even before statebook was no accomplished in process of formation, and afterwards, during the produce any member of that is so the decitive framethies. The second produces any member of the interest of religious freedom church, and atterwards, during the produce any member of the interest of religious freedom church and the interest of religious freedom church and the interest of the Mormon Church, the interest of religious freedom church and the interest of the Mormon Church at a frame interest of the Mormon Church at the interest of the Mormon Church at the state maines the heat shall subsist in all thins in incorporated in that instrument the covers sold Church. This means that the rule shall be there will be the adverted to the state.
At about the same time, or shortly prior thereto. If became known throughout the shall be adverted to a pointed by the leaders of the Mormon Church desired that the view of the Church desired the the adverted to prevent bies of the advert destination of the state.
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railrond station. In 1869 four mem-bers of the Mormon Church were ex-communicated for apositic in desires ing "to open up mines against the in another and recent instance, oc-

received a measure fro dency to the effect that the candidate of the party to which the bishop be-longed should be elected to Congress. In the same year and at the same election the president of the Mormon Church took occusion to write a letter to the bickers of his Church inderse to the bishops of his Church indors-ing the candidacy of a certain gentle-man for representative in Congress. In 1898 one of the apostles of the Mormon Church in a letter to one of the first presidents of seventies virtually advo-oated the election of a certain condidate for a seat in the United States

senate. In 1902 an aposile of the Mormon Church went through one of the counties of Idaho, telling the Mormon vot-ers that it was the will of the Church The stence was revealed by this investigation serves to emphasize the truth that the Mormon Church dominates the affairs of the State of Utah in educational matters as well as in other respects.
 Political Domination of the Mormon Church.
 But it is in collical affairs that the Mormon presthood of the Mormon presthood in the Mormon presthood in the Mormon of the Mormon Church. Church. But it is in political affairs that the domination of the first presidency and twelve apostles of the Mormon Church is most efficacious and most injurious to the interests of the state. The Con-stitution of the State of Utah provides "There shall be no union of church and state, nor shall any church dom-inate the state or interfere with fits functions." (Vol. 1, p. 25.) Not-withstanding this plain provision of the constitution of Utah, the proof offered on the investigation demonstrates be-yond the possibility of doubt that the hierarchy at the head of the Mormon Church and the State of Utah, and that the Church through its head dom-inates the affairs of the state in things both great and small. Even before statehood was an accomplished fact, and while the state was in process of formation, and afterwards, during the sessions of the first and succeeding legislatures, R was hotorious that as

states in which the anomic Church is strongest that political influence is be-ing continually exerted in the matter of state and lower municipal officials. If one of the bigher officials of the Mermon Church becames a candidate for public office in may re-turn his official station in the Church as in the case of Mr. Simultand Mr. Roberts or he may be broken of his office and deprived of his privileges in the Church, as happened to Mr. Thatcher, these differing appli-cations of the rule depending wholly on the will of the is in the investigation that in the state of Idaho candidates for office, in order to have any hope of success, must visit Salt Lake City and arrange for such success with the leaders of the Mormon Church. The result of this is that whatever the Mor-mon Church desires to have done, either by way of administration of in the way of administration of the affairs of the state, is done, and whatever the Mormon Church desires shall not

gration

cease to pray Almighty God to avenge the blood of the prophets upon this na-tion, and that you will teach the same to your children and to your children's

children unto the third and fourth gen.

training for versions, it is impeasing restimony was not strengthened by the fact that the witnesses by whom it was given were members of the Mormon Church, and would naturally disparage the truthfulness of one who would give testimony unfavorable to that Church. The testimony of the witnesses for the

An effort was made to destroy the effact of the lesimony of three of these witnesses by imposchment of their rep-utation for verseity. This impeaching Mr. Smoot Not Entitled to a Seat in The Senate.

The more deliberately and carefully the testimony taken on the investiga-tion is considered, the more irresistibly its jeads to the conclusion that the facts stated in the protest are true; that Mr. Smoot is one of a self-perpet-uating body of men, known as the first presidency and twelve apostles of the Church of Jesus Christ of Latter-day Saints, commonly known as the Mar-mon Church: that these men claim di-vine authority to control the memberi of said Church in all things, temporal as well as spiritual; that this authority is, and has been for several years past, The more deliberately and carefully of said Church in all things, temporal as well as spiritual; that this authority is, and has been for several years past, so exercised by said first presidency and tweive aposites as to encourage the practise of polygamy and polyg-amous cohabilation in the State of Utah and elsewhere, contrary to the constitution and laws of the State of Utah and the law of the land, that the said first presidency and tweive apos-ties do now control, and for a long time past have controlled, the political affairs of the State of Utah, and have thus brought about in said state a union of church and state contrary to the constitution of said State of Utah and contrary to the Constitution of the United States, and that said Reed Smoot comes here, not as the accred-ited representative of the State of Utah is the senate of the United States, but as the choice of the Inited States, but as the choice of the State in said State of Utah. It follows is a presentative