

foot to send "Mormons" to the penitentiary, on segregated offenses, for extended terms. If it had not been tested, and if the court had not set it aside, "Mormons" would now be serving life sentences in violation of law. Who was then upholding and defending the Constitution. Was it the officers of the government who were enforcing that which the supreme tribunal said was unconstitutional? No; it was the people whom it was now sought to deprive of the rights of citizenship. Was there treason in this? The supreme court said no, by upholding them and setting aside the unconstitutional measure. If a man has no right to test the law he is robbed of a precious right of the citizen. The people subscribed to test the law, as they had a perfect right to, and they maintained the Constitution by having a construction put on the law. The people even have the right to agitate for the repeal of the law; yet where they have done so their acts have been deemed treasonable.

There is but one way for the citizen to exercise his right in the courts, and that is to test each individual case. But to take a man and charge him with all the fancied offenses of others, when he applies for naturalization, is most absurd. To take an innocent man, one who never heard of these things, and judge him by them, is to perpetrate a great injustice. It must be true that there are "Mormons" in Utah who are loyal to the government—who would bare their bosoms as readily as any others in defense of their country; and yet your honor is requested to shut them out. Will the court take the responsibility for so much of persecution, of wrong, of outrage, as is meant by this proceeding? I trust that we will have no necessity to find fault with the court for a decision in this case.

R. N. BASKIN

read from the naturalization laws, and said that he regarded in the case of an applicant for naturalization all doubts should be resolved against him. Every one who leaves the "Mormon" Church should show by five years residence that he is in good faith before he is admitted to citizenship. I say no Mormon is entitled to citizenship. The Mormons do not dispute that they believe in polygamy, and that as it is revealed of God they cannot renounce it.

The "Mormons," he said, had as much a right to have a revelation commanding burglary. If it had been burglary instead of polygamy, a member of that organization would not be considered of good moral character and well disposed to the happiness and good order of the people of the United States. I say a member of this Church who asks for admission to citizenship displays a cheek that is sublime. They claim this revelation to be divine, and it is not necessary to go one step further. This man is a member of an organization that believes in polygamy,

that should be enough to keep him out.

Baskin read from the decision of the Territorial Supreme Court in the case of the United States vs. the Church. Upon this he claimed that the Church was a theocratic organization, and no member could be attached to the Constitution of the United States. The system was founded on revelation from God, and the man who believes in a Supreme Being must consider His laws superior to all others. The central idea of Mormonism is revelation. The laws given relate to man's social condition, and certain rules are prescribed for the marriage relation. This is taking jurisdiction of matters of civil concern. This system claims to be the Kingdom of God—not in its full strength—but the child is born and is being developed toward manhood, when Christ will come. That is their theory, and as God, the King, is not here now, He has delegated His powers to the Priesthood. It is an absolute theocracy and its laws are from the Almighty God. Every Legislature has had to have its laws approved by this Priesthood. I say a member of such an organization cannot be admitted to citizenship. In this instance belief is an important feature. Patriotism itself is a mere sentiment. The member of this Church who says he is attached to the Constitution is either a hypocrite or speaks falsely. If he says he belongs to the Church but does not believe in all its doctrines, his statement is not sincere on its face. You can throw the veil of charity over the man who acknowledges that he believes in all the doctrines, because he is evidently honest.

As to the Endowment oaths, all the witnesses for the applicant declined to say what the covenants were. They concluded that they did not relate to the government. F. D. Richards says that the people are all under covenant to obey the Priesthood in all things.

Baskin began reading from his compilation of "Mormon" sermons, but Mr. Moyle objected, because his compilation was garbled and incorrect, and Baskin had to go to the other publications for his quotations.

Baskin said he asked in the name of all that was holy how the leaders of the Church would speak to the people as they did unless those people had taken covenants, and knew what was meant by covenant breakers. He further referred to blood atonement and said it must be a doctrine of the Church. He declared that apostasy from the Church was punishable by death. There was no doubt that there was a covenant to avenge the blood of the Prophets, and to teach their children to do so. Baskin said this avenging must mean the nation, referred to as the nation that had persecuted the Saints. The government may not be mentioned in the Endowment ceremonies, but it is meant. It would be a gross violation of the law to admit a member of the Church to citizenship. The organic act should be repealed, and every vestige of political power be taken

from the "Mormons." The government has been put to great expense to enforce the laws and to assert its authority. A law was passed against polygamy, but the Church continued to preach and practice it.

Baskin then turned to the Doctrine and Covenants, from which he quoted several passages, giving to them an interpretation peculiar to himself. He found fault with the Church for keeping the revelation on celestial marriage in the book of Doctrine and Covenants. He said the declaration of the "Mormons" that they were loyal should go for naught, as no member of the Church could be a loyal citizen.

C. S. VARIAN

said he was out of the Territory when this proceeding was commenced, but he now appeared as the official representative of the United States, to object to the naturalization of "Mormons." When Congress made laws providing for naturalization it required the applicant to be attached to the Constitution of the United States. This was a far-reaching provision. The person admitted must respond to the government readily at every call. If in any degree, by his education or association, it is not possible for him to do this fully, he is not fit to be a citizen. I say that the "Mormon" people as a whole would not respond to these calls. In the war of the rebellion they not only gave the Union no aid but prayed for the destruction of the government. They have always stood in antagonism to the laws of the land.

The Government is putting forth its entire strength to enforce laws here, and the "Mormons" stand as a unit to defy those laws. Every citizen knows so well that he will not listen to argument, that the "Mormons" are not entitled to citizenship. In the name of the Government of the United States, I protest against the admission of these people to citizenship.

Mr. Moyle—Does the Government enter its protest without giving these people a hearing?

Mr. Varian—I think it is pretty well informed on this matter.

Judge Anderson said he would deliver his opinion in writing, and he hoped to have it ready by Friday, or Saturday, November 29 or 30, at the latest. If he was ready before he would inform the parties.

Le Grand Young said there was a statement made by Mr. Varian which should receive attention. He states that no aid was given to the government during the rebellion. As a matter of fact President Lincoln called for 100 men to protect the mails, and the men were furnished and served their time. He also states that they prayed for the destruction of the government at that time, and his statement is not correct.

Mr. Varian said he read, shortly after he came to Utah, a sermon purporting to be by Brigham Young, and Judge McBride says he heard it, expressing a hope that the two factions would destroy each other. A levy of \$100,000 had been made on the Territory and had not been