

17

REMARKS
OF
HON. ROBERT L. OWEN
OF OKLAHOMA
IN THE
SENATE OF THE UNITED STATES

AUGUST 8, 1911

REPLIES TO THE CRITICISM OF OKLAHOMA
AND ITS CONSTITUTION BY THE SENA-
TOR FROM UTAH (Mr. SUTHERLAND)

WASHINGTON
1911

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Senator OWEN defends the principles of the constitution of Oklahoma—the initiative and the referendum—against the assault of the Senator from Utah [Mr. SUTHERLAND].

REMARKS
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The Senate having under consideration the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States—

Mr. OWEN said:

Mr. PRESIDENT: On July 11 the Senator from Utah [Mr. SUTHERLAND] fiercely denounced the initiative and the referendum of the Arizona constitution as "wild and visionary," "utterly vicious and impracticable," and so forth.

At the same time the Senator from Utah criticized the composite citizenship of Oklahoma, the constitution of Oklahoma, and the Senator from Oklahoma. He denounced those who believe in these doctrines as "quacks in politics," as "self-constituted reformers," as "self-constituted guardians of the people's rights," as "visionaries," "dreamers," "agitators," "demagogues," "political zealots," "false pilots or arrant knaves," and so forth.

In answer to these epithets, apparently addressed to those who, like myself, believe in these doctrines, I make no response, except to say that abuse is often "the refuge of defeated argument."

The arguments in favor of the initiative and referendum I presented on the floor of the Senate in discussing the admission of Nevada on March 4, 1911, and I shall not repeat them here. The Senators from Oregon [Mr. BOURNE and Mr. CHAMBERLAIN] and the Senator from California have exhausted the argument in its support, and I do not care to consume the time of the Senate with repeating it.

The astonishing thing about the diatribe of the Senator from Utah is that he is denouncing the principles of the constitution of Utah, which provides for the initiative, the referendum, and the recall.

The constitution of Utah provides as follows:

ART. 6, SEC. 1. The legislative power of the State shall be vested:

1. In a senate and house of representatives, which shall be designated the Legislature of the State of Utah.

2. In the people of the State of Utah, as hereinafter stated:

The legal voters, or such fractional part thereof of the State of Utah as may be provided by law, under such conditions and in such manner and within such time as may be provided by law, may initiate [initiative] any desired legislation and cause the same to be submitted to a vote of the people for approval or rejection, or may require any law passed by the legislature (except those laws passed by two-thirds vote of the members elected to each house of the legislature) to be submitted to the voters of the State before such law shall take effect. [Referendum.]

The legal voters, or such fractional part thereof as may be provided by law, of any legal subdivision of the State, under such conditions and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people of said legal subdivision for approval or rejection,

or may require any law or ordinance passed by the law-making body of said legal subdivision to be submitted to the voters thereof before such law or ordinance shall take effect. (As amended Nov. 6, 1900.)

ART. 8, SEC. 11: *Judges may be removed from office by the concurrent vote of both houses of the legislature, each voting separately; but two-thirds of the members to which each house may be entitled must concur in such vote. The vote shall be determined by yeas and nays, and the names of the members voting for or against a judge, together with the cause or causes of removal, shall be entered on the journal of each house. The judge against whom the house may be about to proceed shall receive notice thereof, accompanied with a copy of the cause alleged for his removal, at least 10 days before the day on which either house of the legislature shall act thereon.*

Mr. President, here we find in the constitution of Utah the initiative, the referendum, and the recall, and we find the honorable Senator from Utah [Mr. SUTHERLAND], holding the honors and dignities of the people of that State, denouncing the principles laid down in the constitution of his own State.

Nothing could induce me to do such a thing, but I do not attempt to reproach the Senator from Utah for his conduct in the matter for the reason that I can not believe that he realized the impropriety of such an act or that he is aware of the bias of his own mind which leads him to such conduct.

I believe that the point of view of the Senator from Utah can only be explained by the fact that he gives voice to the peculiar forces outside of the constitution of Utah which hold the organic law of Utah in contempt and which have defeated "the permanent will of the people" of that State as expressed in their organic law for the last 10 years.

The Senator from Utah quotes Prof. Stimson as admirably stating:

The constitution is the permanent will of the people; the law is but the temporary act of their representatives, who have only such power as the people choose to give them.

The Senator from Utah used this language, but it is obvious that he has entirely forgotten what "the permanent will of the people" of Utah happens to be on this vital issue of self-government—the initiative, the referendum, and the recall.

For five successive legislatures in Utah the so-called "representatives of the people" have refused to enact the statute law needed to vitalize the provisions of the Utah constitution and make effective the initiative and the referendum. What kind of "representative" government is this that we have in Utah, where "the permanent will of the people" is thus ignored by their so-called "representatives" in the legislature, and where the Senator from Utah, representing that great State and holding its honors and its dignities, ridicules and derides and holds up to public scorn the constitutional provisions of his own State?

We must inquire into this peculiar and extraordinary situation. My just observation that the Constitution of the United States as framed was not sufficiently democratic induces the Senator from Utah to ridicule the manners of the Senator from Oklahoma and to suggest that he should be prosecuted for omniscience for making this ludicrous discovery.

In view of the distinction of the critic and the public charge that the Senator from Utah was a recent candidate for the Supreme Bench of the United States, it becomes necessary to justify the observation made by the Senator from Oklahoma

that the Constitution as framed was not democratic. I shall do this with great brevity.

First. The Constitution permitted a life President.

Second. The Constitution did not provide for the nomination or election of the President by the people, but by electors far removed from the people.

Third. The Constitution did not provide for the nomination or election of Senators by the people.

Fourth. The Constitution provided for an uncontrolled judiciary, in striking contrast to the laws of every State in the Union, including Utah.

Fifth. A minority of the House can prevent the majority proposing an amendment to the Constitution. A minority of the Senate can prevent the majority proposing an amendment to the Constitution. A President can prevent a majority of both Houses proposing an amendment to the Constitution. A small minority of the States can prevent the amendment of the Constitution.

Sixth. No provision for the adoption of the Constitution was arranged by popular vote.

And some of the delegates who approved the Constitution from Virginia at least disobeyed the instructions of the people.

Seventh. The Constitutional Convention usurped the power in framing the Constitution.

They were only authorized to prepare amendments to the Articles of Confederation, not frame a new Constitution.

Eighth. The Constitution did not protect the right of free speech.

Ninth. The Constitution did not protect the right of free religion.

Tenth. It did not protect the freedom of the press.

Eleventh. It did not protect the right of the people to peaceably assemble.

Twelfth. It did not protect the right of the people to petition the Government for the righting of grievances.

Thirteenth. It did not protect the right of the States to have troops.

Fourteenth. It did not protect the right of the people to keep and bear arms.

Fifteenth. It did not protect the people against the quartering of soldiers upon them without their consent.

Sixteenth. It did not protect the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures nor against warrants, except upon suitable safeguards.

Seventeenth. It did not protect the people against being held for crime, except on indictment.

Eighteenth. It did not protect the people against a second trial for the same offense.

Nineteenth. It did not protect an accused against being compelled to be a witness against himself.

Twentieth. It did not protect the citizen against being deprived of life, liberty, or property, without due process of law.

Twenty-first. It did not protect private property being taken for public use without just compensation.

Twenty-second. It did not secure, in criminal prosecutions, the right of a speedy and public trial by an impartial jury in the place where the crime was committed.

Twenty-third. It did not protect the accused in the right to be informed of the nature and cause of the accusation, of the right to be confronted with the witnesses against him, of the right to have compulsory processes in obtaining witnesses in his favor, and to have the assistance of counsel in his defense.

Twenty-fourth. It did not protect the right of the citizen in common lawsuits to a trial by jury.

Twenty-fifth. It did not protect the citizen against excessive bail, against excessive fines, nor against cruel and unusual punishments.

Twenty-sixth. It did not safeguard the rights reserved by the people against invasion by the Federal Government.

The Constitutional Convention was a secret conclave, no member being allowed to report or copy any of its proceedings, which were kept a profound secret for 50 years, until all the actors were dead. The membership of the Constitutional Convention was notoriously conservative, consisting of such men as Elbridge Gerry, who declared "that democracy was the worst of all political evils." (Elliot's Debates, vol. 5, p. 557.)

Edmund Randolph observed that, in tracing the political evils of this country to their origin, "every man (in the convention) had found it in the turbulence and follies of democracy."

Madison thought the Constitution "ought to secure the permanent interests of the country against innovation." (Elliot's Debates, vol. 1, p. 450.)

Hamilton urged a permanent Senate "to check the imprudence of democracy."

Gouverneur Morris urged a life Senate, saying "such an aristocratic body will keep down the turbulence of democracy."

Madison, in the Federalist, warned the people against "the superior force of an interested and overbearing majority," and so forth.

Twenty-seventh. The Constitution is undemocratic in making no provision for its adoption or subsequent amendment by direct popular vote, although this was the method of the various States.

The Constitution is undemocratic, as I have shown, in omitting a bill of rights and the great fundamental principles contained in the Declaration of Independence.

James Allen Smith, professor of political science, University of Washington, well says:

From all evidence that we have the conclusion is irresistible that they sought to establish a form of government *which would effectually curb and restrain democracy*. They engrafted upon the Constitution so much of the features of popular government as was, in their opinion, sufficient to insure its adoption.

The convention of July 4, 1776, was thoroughly democratic, as is the Declaration of Independence.

The Constitution of the United States was made thoroughly undemocratic by a thoroughly reactionary convention, leading Democrats being absent, such as Thomas Jefferson, Samuel Adams, Patrick Henry, and so forth. Only 11 States voted for its adoption. Only 55 members out of 65 attended and only 39 members signed it. Its ratification was only secured with the greatest difficulty, and in no States was it submitted to a vote

of the people themselves. Massachusetts, South Carolina, New Hampshire, Virginia, and New York demanded amendments, and North Carolina and Rhode Island at first rejected the Constitution, and except for the agreement to adopt the first 10 amendments and make it more democratic it would have assuredly failed.

George Washington, as President of the Convention, was debarred from sharing in the debates. It had one very great merit—it established the Union. It had one great demerit—it was not democratic.

If a knowledge of the Constitution be a prerequisite to qualify a citizen or a Senator as a candidate for the Supreme Court of the United States, then, with great respect, I humbly submit that the Senator from Utah has not qualified under the rule. Certainly he is not justified in attempting to ridicule the suggestion that the Constitution was not democratic.

All democratic constitutions are flexible and easy to amend. This follows from the fact that in a government which the people really control the constitution is merely the means of securing the supremacy of public opinion and not an instrument for thwarting it. * * * A government is democratic just in proportion as it responds to the will of the people, and since one way of defeating the will of the people is to make it difficult to alter the form of government, it necessarily follows that any constitution which is democratic in spirit must yield readily to changes in public opinion. (Spirit of American Government.)

An unamendable constitution and a judiciary not responsible to the people is dangerous to the stability of government. *When public opinion becomes greatly aroused and can find no expression through the constitution, and the judiciary, as a ruling power, obstructs such public opinion, it may easily lead to revolution and to war,* as it did do when the Supreme Court of the United States, by the Dred Scott decision, nationalized slavery, and the Constitution not being amendable by the majority left no apparent remedy but the dissolution of the Union or war.

The Federal court now vetoes acts of Congress and nullifies national policies, such as the control of the trusts or an income tax or other benevolent laws passed in recent years for the protection of the humbler working masses.

The judicial branch can nullify the acts of the legislative branch, although the Constitutional Convention, reactionary though it was, four times refused to grant the right to the Supreme Court to declare an act of Congress unconstitutional.

The Constitution, as drawn, was intended to give a veto to the minority, and to restrain the majority, for the benefit of the minority, and, in plain words, benefit the so-called vested interests, property rights, and special privilege.

The glowing terms of praise which we now hear from the Senator from Utah [Mr. SUTHERLAND] of an unamendable constitution, and of a judiciary not responsible to the people, has been the language of special privilege and of the advocates of minority rule and of commercial and political oligarchies since the day this Constitution was framed. It seems an amazing thing that the Senator from Utah should denounce the initiative, the referendum, and the recall, provided for in his own constitution. These are the tools of Democracy. The initiative, the referendum, and the recall are the sword and buckler of the majority. It arms the majority with power and puts the Government in the hands of the people.

Mr. President, by the initiative, the people may initiate any law they do want; and, by the referendum, they may veto any law they do not want; and, by the recall, they can remove from office any official for inefficiency.

I shall not reproach the Senator from Utah for his strange bias, for his point of view that denounces the principles of the constitution of Utah and incidentally denounces the principles of the constitution of Oklahoma; nor would I answer him and his criticisms at all did I not deem it of vast importance to the people of the United States that the mechanism of self-government should be adopted and should not be defeated by the Senator from Utah and those who stand with him.

It is a very significant fact that the Western Newspaper Union is sending out printed plates of this speech against the initiative and referendum and the recall. Who is paying the bills for that tremendous expense? These bills do not pay themselves; somebody is paying a large amount of money to publish these plates which the Western Newspaper Union seem to be furnishing gratis to the country newspapers in Minnesota, in Oklahoma, and everywhere else. It is not a pleasing thing to the Senator from Oklahoma to hear of the press of the country using these plates denouncing the principles of the constitution of Oklahoma and ridiculing the Senator from Oklahoma. The vindication of the opinions of the people and of the constitution of Oklahoma makes an answer unavoidable.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. OWEN. I do.

Mr. REED. Would the Senator from Oklahoma give us some idea of about how much it would cost to furnish these plates to the country press of the United States?

Mr. OWEN. I do not know what the expense would be, but it would be enormous, because the number of country newspapers is very large.

Mr. REED. I am interested in knowing whether the Senator believes that less than \$50,000 would be used in covering that expense.

Mr. OWEN. I should not think that \$50,000 would begin to cover it.

The triumphant reign of monopoly and of special privilege in this country is due, in my opinion, to a sinister combination between machine politics and organized special privilege. The initiative, the referendum, and the recall is the open door to the overthrow of this dangerous alliance, and this is the reason why South Dakota, Montana, Oregon, Oklahoma, Maine, Missouri, Arkansas, Nevada, and Utah have adopted it in their constitutions, and explains why the legislatures of California, Washington, North Dakota, Wyoming, Colorado, Nebraska, Wisconsin, and Florida have submitted it to the people for constitutional amendment, and why it is an active issue in nearly all of the remaining States of the Union. It explains why Arizona has put this principle in its constitution, and why the people of Illinois voted for it by nearly four to one.

This is a world-wide movement, Mr. President. It is the law of Switzerland, of Australia, and of New Zealand. It is an issue in the Canadian States. It means the rule of the people against

the rule of the machine, and it means nothing less than this. And no sophistry and no ridicule and no evasion will ever serve to stop this issue from sweeping the United States. The government of cities by commission, with local initiative, referendum, and recall involves this, and is a part of this movement.

The Senator from Utah was the first Senator to arise and denounce the initiative, the referendum, and the recall, and in doing so he was obliged to denounce the constitution of his own State—"the permanent will of the people" in his own State, according to the words used by the Senator from Utah himself.

Mr. President, men and their opinions are controlled by their education and by their environment. I am subject to this rule, and the Senator from Utah is no exception to it. He obviously gives expression to the views of the controlling powers of his own State outside of the constitution of Utah, and I deem it my duty to call the attention of the Senate and of the country to the fact that the only Senator so far who has denounced the initiative, the referendum, and the recall has done so in the face of the constitution of his own State.

I deem it my duty also, Mr. President, and I perform this duty with painful reluctance because of a sincere personal regard for the Senator from Utah, to call attention to the fact that the ruling power of the State of Utah, whose views, I believe, speak through the Senator from Utah, is openly charged with comprising one of the most powerful political machines, religious hierarchies, and commercial oligarchies ever established on earth. I do not assume to have any personal knowledge of the conditions of that State, but a predecessor to the Senate from Utah, ex-United States Senator Frank J. Cannon, himself raised a Mormon, has set forth in great detail a description of this extraordinary religious and commercial monopoly.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, the Senator from Utah [Mr. SUTHERLAND], to whom the Senator from Oklahoma is referring, is not now in the Chamber; he is out of the city. If he were here no doubt he would answer a great many of the insinuations which the Senator has already cast upon him.

I wish to state that if the Senator thinks it proper for him to pick up a magazine article written by a man who he himself ought to know is utterly unworthy of being believed in any way, shape, or form, for the purpose of casting a reflection upon a Senator or a State I am surprised at his idea of justice in such a case. Charges are easily made, but are not so easily proven. I say now to the Senator from Oklahoma that the statements which he has repeated here are absolutely uncalled for, unfounded, and untrue.

Mr. OWEN. Mr. President, I think, if they are untrue, they ought to be demonstrated to be untrue. They have been given the widest publicity throughout the United States. I have seen no adequate answer. I suppose there may be one forthcoming, but I do think that if it is true that Senators are named to this floor by the prophet of the Mormon Church, the Senate of the United States ought to know it, and the country ought to know it. If it is not true, the charge ought to be

answered; it ought to be denied; it ought to be shown to be absolutely false, because it affects the good name of the Senate of the United States and of one of the great States of the Union for whose people I have great respect.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Oklahoma further yield?

Mr. OWEN. I yield.

Mr. SMOOT. Mr. President, I suppose this is not the proper place or time for me to discuss this question, but I want to say to the Senator from Oklahoma that I deny the statements, and I say to him and to the country that they are not true. Because there is no denial of published articles which are written by a man for whom no one in his own State has any regard or belief in his word, are they to be accepted as true? And is it possible that the Senator thinks such statements should or could always be followed by a denial? It seems to me that, if that were the case, there are other people who would have to be denying statements made against them almost all the time. I will simply content myself by saying to the Senator that the statements are not true.

Mr. OWEN. Does the Senator think that it ought to go uninquired into?

Mr. SMOOT. Why, Mr. President, I have not expressed an opinion in relation to an inquiry into the matter; but the Senator was reading a statement, and seemingly approving of it as the absolute truth. I am not here to defend the Mormon Church; I was elected by the people of the State of Utah, irrespective of their religious belief, and I represent every man and woman in that State; I do not care what his or her religion may be; I am here as a citizen of the United States; and I will go just as far as the Senator from Oklahoma ever dared go in maintaining every principle of liberty and a clean, an honest, and a representative Government.

Mr. OWEN. Mr. President, I am pleased to have the assurance of the Senator from Utah, but I have deemed it my duty to call the attention of the Senate to this matter, and I think it deserves to be inquired into. Certainly, the provision for the initiative, the referendum, and the recall has been in the constitution of Utah for 10 years. Why has it not been vitalized, and why does the Senator from Utah [Mr. SUTHERLAND] denounce the initiative, the referendum, and the recall? Do both Senators from Utah agree to that position? I should like to ask the senior Senator from Utah whether or not he approves the initiative and the referendum or whether he denounces them also?

Mr. SMOOT. Mr. President, I have taken no part in this discussion, nor do I care to do so at this time. I suppose that when the time comes for a vote the Senator will know where I stand. I have been in the Senate long enough for the Senator himself to know that whatever I believe I so vote.

Mr. OWEN. There has been set forth, Mr. President, a very elaborate description of the commercial oligarchy that controls that State. I have no desire to wound the feelings of the Senator from Utah [Mr. SUTHERLAND], but I think that the Senator from Utah [Mr. SUTHERLAND] might well hesitate before he denounces the principles of the constitution of Oklahoma and sends his denunciation broadcast as plate matter.

I am answering a Senator who denounces the initiative and the referendum on the floor of the Senate which is written in the constitution of his own State. I say that there must be some kind of an explanation of that, and I can not perceive any other explanation than that he voices the hostility of the ruling powers outside of the constitution of Utah, because I believe the initiative and referendum will break down any commercial or political oligarchy whatever, anywhere, and that the controlling powers of Utah know it and for that reason oppose it.

Mr. Frank J. Cannon, assisted by Mr. Harvey J. O'Higgins, with great solemnity and the most earnest assurance, declare to the people of the United States the truth of the history they have narrated in regard to the ruling powers of Utah in Everybody's Magazine. They declare that the Senators from Utah are named by the Mormon "prophet," Joseph F. Smith, that this church controls the political conditions of Utah, and that they have broken faith with the people of the United States in every promise they have made to conduct the affairs of that State in the spirit of American institutions.

The predecessor of the Senator from Utah, ex-United States Senator, Mr. Cannon, describes the manner in which commercial passports to heaven are given by the Mormon hierarchy to its loyal followers. He fully describes how the Mormons and gentiles alike are exploited by a powerful oligarchy in control of Utah. He describes how the children are hypnotized by early and frequent vows to the church, and how their loyalty is kept constant by everlasting reiteration of vows of loyalty and testimony of loyalty, given from month to month by the individuals thus committed in childhood. For example, he describes how a 14-year-old boy is required to rise and say before the congregation as a creed:

Brethren and sisters, I feel called upon to say a few words. I am not able to edify you, but I can say that I know this is the church and Kingdom of God, and I bear my testimony that Joseph Smith was a prophet and that Brigham Young was his lawful successor, and that the Prophet Joseph F. Smith is heir to all the authority which the Lord has conferred in these days for the salvation of men. And I feel that if I live my religion and do nothing to offend the Holy Spirit, I will be saved in the presence of my Father and His Son, Jesus Christ. With these few words I will give way. Praying the Lord to bless each and everyone of us is my prayer in the name of Jesus Christ. Amen.

Ex-Senator Cannon describes how the individuals who thus pledge their allegiance are kept in line by the examination and espionage of monthly ward teachers, who enter the homes of the people with authority and see that they are faithful and that they renew or continue to allege their loyalty and fidelity. They teach the simple elemental virtues of Christianity, abstinence from alcohol, tobacco, tea, and coffee, and on this sound foundation of decency and on the pledge of loyalty continually reiterated they lay a foundation of fidelity that makes of the ordinary Mormon a subject of the prophet, a vassal, an obedient follower of the orders—political or commercial—of the prophet.

There never was in the history of the world an oligarchy more thoroughly and completely organized than in Utah, if this narrative be anywhere near the truth.

This description I present to the Senate for the reason that it has gone into every quarter of the United States and, in effect, it is a most serious attack upon the high standing and good name of the Senate of the United States itself, and it

requires and demands a thorough-going investigation in order either to establish its falsity or to demonstrate its truth, so that the Senate of the United States and the people of Utah shall be purged of this charge if it be false, or correct the unhappy conditions in Utah if the statement should unfortunately prove to be true.

Mr. Cannon describes in detail and vigor the inordinate greed of Joseph F. Smith, the Mormon prophet, and makes the following statement:

Along with this strain of commercial greed in Smith there is an equally strong strain of religious fanaticism that justifies the greed and sanctifies it to itself. He believes (as *Apostle Orson Pratt* taught, by authority of the church) that "the kingdom of God is an order of government established by divine authority. It is the only legal government that can exist in any part of the universe. All other governments are illegal and unauthorized. * * * Any people attempting to govern themselves by laws of their own making, and by officers of their own appointment, are in direct rebellion against the kingdom of God."

Smith believes that over this kingdom the Smiths have been, by divine revelation, ordained to rule. He believes that his authority is the absolute and unquestionable authority of God Himself. He believes that in all the affairs of life he has the same right over his subjects that the Creator has over His creatures. He believes that he has been appointed to use the Mormon people as he in his inspired wisdom sees fit to use them, in order the more firmly to establish God's kingdom on earth against the powers of evil.

Messrs. Cannon and O'Higgins, in their last article, use the following headlines:

Political headquarters of the State of Utah. Headquarters of the Mormon Church. Utah-Idaho Sugar Co., Joseph F. Smith, president; Inland Crystal Salt Co., Joseph F. Smith, president; Zion's Savings Bank & Trust Co., Joseph F. Smith, president; State Bank of Utah, Joseph F. Smith, president; Zion's Cooperative Mercantile Institute, Joseph F. Smith, president; Consolidated Wagon & Machine Co., Joseph F. Smith, president; Home Fire Insurance Co., Joseph F. Smith, president; Beneficial Life Insurance Co., Joseph F. Smith, president; Salt Lake Knitting Co., Joseph F. Smith, president; the Deseret News, Joseph F. Smith, president.

They conclude with chapter 20, as follows:

CHAPTER 20. CONCLUSION.

Of the men who could have written this narrative, some are dead, some are prudent, some are superstitious, and some are personally sworn. It appeared to me that the welfare of Utah and the common good of the whole United States required the publication of the facts that I have tried to demonstrate. Since there was apparently no one else who felt the duty and also had the information or the wish to write, it seemed my place to undertake it. And I have done it gladly; for when I was subscribing the word of the Mormon chiefs for the fulfillment of our statehood pledges, I engaged my own honor, too, and gave bond myself against the very treacheries that I have here recorded.

We promised that the church had forever renounced the doctrine of polygamy and the practice of plural-marriage living, by a "revelation from God" promulgated by the supreme prophet of the church, and accepted by the vote of the whole congregation assembled in conference. We promised the retirement of the Mormon prophets from the political direction of their followers, the abrogation of the claim that the Mormon Church was the "Kingdom of God" reestablished upon earth to supersede all civil government—the abandonment by the church of any authority to exercise a temporal power in competition with the civil law. We promised to make the teaching and practice of the church conform to the institutions of a republic in which all citizens are equal in liberty. We promised that the church should cease to accumulate property for the support of illegal practices and un-American government.

And we made a record in proof of our promises by the antipolygamy manifesto of 1890 and its public ratification; by the petition for amnesty and the acceptance of amnesty upon conditions; by the provisions of Utah's enabling act and of Utah's State constitution; by the acts of Congress and the judicial decisions restoring escheated church

property; by the proceedings of the Federal courts of Utah in reopening citizenship to the alien members of the Mormon Church; by the acquiescence of the Gentiles of Utah in the proceedings by which statehood was obtained; and, finally and most indisputably, by the admission of Utah into equal sovereignty in the Union, since that admission would never have been granted except upon the explicit understanding that the State was to uphold the laws and institutions of the American Republic in accordance with our covenants.

"THE INTERESTS" BACK THE CHURCH.

Of all these promises the church authorities have kept not one. The doctrine and practice of polygamy have been restored by the church, and plural-marriage living is practiced by the ruler of the kingdom and his favorites with all the show and circumstance of an oriental court. There are now being born in his domains thousands of unfortunate children outside the pale of law and convention, for whom there can be entertained no hope that any statute will ever give them a place within the recognition of civilized society.

The prophet of the church rules with an absolute political power in Utah, with almost as much authority in Idaho and Wyoming, and with only a little less autocracy in parts of Colorado, Montana, Oregon, Washington, California, Arizona, and New Mexico. He names the Representatives and Senators in Congress from his own State and influences decisively the selection of such "deputies of the people" from many of the surrounding States. Through his ambassadors to the Government of the United States, sitting in House and Senate, he chooses the Federal officials for Utah and influences the appointment of those for the neighboring States and Territories. He commands the making and unmaking of State law. He holds the courts and the prosecuting officers to a strict accountability. He levies tribute upon the people of Utah and helps to loot the citizens of the whole Nation by his alliance with the political and financial plunderbund at Washington. He has enslaved the subjects of his kingdom absolutely, and he looks to it as the destiny of his church to destroy all the governments of the world and to substitute for them the theocracy—the "government by God" and administration by oracle—of his successors in office.

And yet, even so, I could not have recorded the incidents of this betrayal as mere matters of current history—and I would never have written them in vindication of myself—if I had not been certain that there is a remedy for the evil conditions in Utah, and that such a narrative as this will help to hasten the remedy and right the wrong. Except for the aggressive aid given by the national administrations to the leaders of the Mormon Church, the people of Utah and the intermountain States would never have permitted the revival of a priestly tyranny in politics. Except for the protection of courts and the enforced silence of politicians and journalists, polygamy could not have been restored in the Mormon Church. Except for the interference of powerful influences at Washington to coerce the Associated Press and affect the newspapers of the country, the Mormon leaders would never have dared to defy the sensibilities of our civilization. Except for the greed of the predatory "interests" of the Nation, the commercial absolutism of the Mormon hierarchy could never have been established. The present conditions in the Mormon kingdom are due to national influences. The remedy for these conditions is the withdrawal of national sympathy and support.

WHO IS TO RULE IN UTAH?

Break the power at Washington of Joseph F. Smith, ruler of the Kingdom of God, and every seeker after Federal patronage in Utah will desert him. Break his power as a political partner of the Republican Party now—and of the Democratic Party should it succeed to office—and every ambitious politician in the West will rebel against his throne. Break his power to control the channels of public communication through interested politicians and commercial agencies, and the sentiment of the civilized world will join with the revolt of the "American movement" in Utah to overthrow his tyrannies. Break his connection with the illegal trusts and combines of the United States, and his financial power will cease to be a terror and a menace to the industry and commerce of the intermountain country.

The Nation owes Utah such a rectification, for the Nation has been, in this matter, a chief sinner and a strong encourager of sin.

The Republic must overthrow the modern Mormon kingdom, or that kingdom will sap the honor and power of the Republic. Both can not survive as temporal sovereignties under their present exclusive pretensions. The Republic must vindicate its own jurisdiction, by State and Nation, over the temporal affairs of men within its borders, or it must rest content with such fragments of sovereignty as encroaching ecclesiasts care to leave it. The records of the world may be searched in

vain for an instance in which a government deriving its powers from the consent of the governed, and a government claiming to derive exclusive and world-wide authority from God on high, were able to occupy in harmony the same territory. They have never done it; they can not do it now.

HOW UTAH CAN BE FREED.

The Nation need not fear that in breaking the pretensions of the modern Mormon kingdom it will be engaging in a religious persecution. It is not religious persecution to deny the representative of a foreign potentate a seat in our Senate. It is not religious persecution to insist on the observance of a solemn covenant. It is not religious persecution to demand that a hierarchy shall keep out of politics. In my story of the modern Mormon kingdom I have denounced not doctrines, but deception; not the keeping of faith with God, but the breaking of faith with men; not the religion which cheers and sustains, but the hierarchy which hides under the altars of that religion to prey and plunder. The Nation can make the same distinction.

And the Nation owes such a rectification not only to Utah, but also to itself. The commercial and financial plunderbund that is now preying upon the whole country is sustained at Washington by the help of the agents of the Mormon Church. The prophet not only delivers his own subjects up to pillage; he helps to deliver the people of the entire United States. His Senators are not representatives of a political party; they are the tools of "the interests" that are his partners. The shameful conditions in Utah are not peculiar to that State; they are largely the result of national conditions, and they have a national effect. The prophet of Utah is not a local despot only; he is a national enemy; and the Nation must deal with him.

I do not ask for a resumption of cruelty, for a return to proscription. I ask only that the Nation shall rouse itself to a sense of its responsibility. The Mormon Church has shown its ability to conform to the demands of the Republic—even by "revelation from God," if necessary. The leaders of the church are now defiant in their treasons only because the Nation has ceased to reprove and the national administrations have powerfully encouraged. As soon as the Mormon hierarchy discovers that the people of this country, wearied of violated treaties and broken covenants, are about to exclude the political agents of the prophet from any participation in national affairs, the advisers of his inspiration will quickly persuade him to make a concession to popular wrath. As soon as "the interests" realize that the burden of shame in Utah is too large to be comfortable on their backs, they will throw it off. The Presidents of the United States will be unable to gain votes by patronizing the crucifiers of women and children. The national administrations will not dare to stand against the efforts of the Gentiles and the independent Mormons of Utah to regain their liberty. And Utah, the Islam of the West, will depose its old sultan and rise free.

THE TRUTH SHALL TRIUMPH.

With this hope—in this conviction—I have written in all candor what no reasons of personal advantage or self-justification could have induced me to write. I shall be accused of rancor, of religious antagonism, of political ambition, of egotistical pride. But no man who knows the truth will say sincerely that I have lied. Whatever is attributed as my motive, my veracity in these articles will not be successfully impeached. In that confidence I leave all the attacks that guilt and bigotry can make upon me to the public to whom they will be addressed. The truth, in its own time, will prevail, in spite of cunning. I am willing to await that time, for myself and for the Mormon people.

Mr. President, I know nothing about the truth of this matter. It may be absolutely false from beginning to end; it may be utterly unworthy to be uttered, but it is a very serious matter, coming from an ex-Member of this body, ex-United States Senator Frank J. Cannon. I do not know whether it is true or false; I do not pretend to know; but I think that the Senate ought to know the truth of this grave accusation, and ought to know it by a proper investigation and inquiry into it.

Mr. President, I very greatly regret that the principles of the initiative, the referendum, and the recall, which are contained in the constitution of Utah, should be now openly derided and flouted by the Senator from Utah without sound reason or argument. It is very extraordinary that a Senator,

holding the honors and the dignities of a State, should ridicule and denounce the principles laid down in the constitution of his own State, but it is no more extraordinary than the fact that five succeeding legislatures in that State should have refused to vitalize the constitution of Utah by passing the necessary statutes for its enforcement. These five legislatures have been urged to perform this duty by those who believe in the doctrine of self-government and in the doctrine of the rule of the majority. The mere fact that these legislatures have refused to perform this obvious duty, and the fact that the Senator from Utah denounces these doctrines of the constitution of Utah, is a circumstance of vast importance in the light of the charge that the Mormon Church as a political and commercial oligarchy controls the political affairs of that State and dictates the appointment of Senators from that State.

Mr. President, I would not willingly say anything that would wound the feelings of the Senator from Utah, but when he uses his position as a Senator to denounce the principles of good government, in which I believe—which I believe of vital importance—when he denounces the initiative and the referendum, when he denounces the principles of government laid down in the constitution of Oklahoma and ridicules the people of Oklahoma, and when his argument goes out all over the United States as a campaign document against the people's rule, it is my duty to the people of Oklahoma and to the cause of popular government to enter a vigorous protest against the argument submitted by the Senator from Utah and to make such answer as will give that argument its proper place before the electorate of the United States.

No one should be surprised that the Mormon Church should oppose the initiative, the referendum, and the recall, and no one should be surprised that the income-tax amendment should be voted down by the Legislature of Utah. (March 9, 1911.)

It is but natural that the Senator from Utah should be powerfully influenced by the opinions of the controlling powers of his State, without whose support I believe he could not appear on the floor of this Chamber. It is but natural that he should give voice to the opinions of those at the head of this religious hierarchy. It is but natural that, under the circumstances of his environment, he should oppose the rule of the majority and oppose those democratic agencies which would overthrow the rule of the minority. It is but natural that he should regard with disapproval the views of the Senator from Oklahoma; that he should ridicule the Senator from Oklahoma and the liberty-loving people of that State; that he should denounce the idea of amending the Constitution of the United States as undemocratic. It would be but natural, Mr. President, in view of the conservative opinions of the Senator from Utah and who appears to believe in the absolute perfection of the Constitution of the United States, that the Senator from Utah should be preferred as a candidate for the Supreme Court of the United States, as ex-United States Senator Cannon alleges.

Mr. President, I have no doubt of the industry, high character, and good citizenship of the great body of the people of Utah, Mormons and gentiles, and nothing which I have said could be construed as any unkind reference to the people of that State. My reference has been to a religious and commercial oligarchy

5448--10271

described by Frank J. Cannon, which appears to be engaged in the governing business in Utah, and which I regard as un-American in the highest degree, and as most injurious to the people of Utah, and especially to the Mormons. The Mormon Church ought to go out of the political business, as it agreed to do. If it is true that the Mormon "prophet" names the Senators from Utah on this floor, and uses the power of a religious hierarchy to accomplish this, he is able to do a positive harm to the people of the United States outside of Utah and to the people of Oklahoma, which I have the honor, in part, to represent.

The mere fact that the Senator from Utah criticized the Senator from Oklahoma and the State of Oklahoma would not have induced me to call attention to this matter had I not felt that the issue of popular government is one of vital importance to the people of the United States.

I might pause to remark that I was not present in the Senate when I was assailed by the Senator from Utah, but I do not complain of it at all, because Senators are so frequently away from the floor that a Senator would have to be silent and be denied the right to criticize the views of a fellow Senator if he could only do so when a Senator were present.

I have been surprised that the Senator from Utah should have gone out of his way to assail Oklahoma and its constitution, and I am willing to believe that it was done in a spirit of levity and ridicule for the purpose of denouncing the doctrine of popular government, for which Oklahoma is distinguished, but I have not been willing to leave this volley of epithet, sarcasm, and ridicule against the principles of the constitution of Oklahoma which her liberty-loving people believe in to remain unanswered.

In answering I have endeavored to do my duty to the people of Utah and to the Republic and to the cause of the popular government in which I deeply and profoundly believe, and to vindicate the great Constitution and to defend the wisdom and the patriotism of my own beloved people of Oklahoma.

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