

**THE ADMISSION OF UTAH: ARGUMENTS IN
FAVOR OF THE ADMISSION OF UTAH AS A
STATE, MADE BEFORE THE COMMITTEE
ON TERRITORIES OF THE UNITED STATES
SENATE, FIRST SESSION FIFTIETH CONGRESS,
SATURDAY, FEBRUARY 18, 1888**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649263028

The Admission of Utah: Arguments in Favor of the Admission of Utah as a State, made before the committee on territories of the United States senate, first session fiftieth congress, saturday, february 18, 1888 by Various

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

VARIOUS

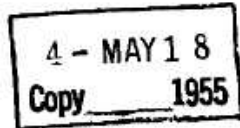
**THE ADMISSION OF UTAH: ARGUMENTS IN
FAVOR OF THE ADMISSION OF UTAH AS A
STATE, MADE BEFORE THE COMMITTEE
ON TERRITORIES OF THE UNITED STATES
SENATE, FIRST SESSION FIFTIETH CONGRESS,
SATURDAY, FEBRUARY 18, 1888**

THE ADMISSION OF UTAH.

U. S. Congress, Senate, Committee on Territories.

ARGUMENTS

IN FAVOR OF



THE ADMISSION OF UTAH AS A STATE,

MADE BEFORE THE

COMMITTEE ON TERRITORIES OF THE UNITED STATES SENATE,

FIRST SESSION FIFTIETH CONGRESS,

SATURDAY, FEBRUARY 18, 1888.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1888.

R.V.S. 31 Aug 56

JK 8403
1888

ADMISSION OF UTAH.

Arguments before the Committee on Territories of the United States Senate in favor of the proposed admission of the Territory of Utah as a State in the Federal Union.

WASHINGTON, D. C.,
Saturday, February 18, 1888.

The committee was called to order by the chairman (Senator Platt) at 11 o'clock a. m.

Present, Messrs. Platt, Cullom, Manderson, Stewart, Butler, Payne, and Turpie.

The CHAIRMAN. This is a hearing before the full committee, and as it is to be reported and printed, we will not wait for the other members of the committee who are absent, but proceed with the hearing. How much time is it desired that we shall give to the parties present who address the committee?

Mr. McDONALD. I think that to present the case properly on the part of the petitioners, it will require at least three hours, and perhaps longer. We desire that the two representatives appointed by the constitutional convention, who are present, should be heard, Mr. Franklin S. Richards and Mr. John T. Caine; and Mr. Jeremiah M. Wilson and myself have something to say.

The CHAIRMAN. Very well; you may proceed with the arguments in such order as you choose.

ARGUMENT OF FRANKLIN S. RICHARDS.

Mr. RICHARDS said:

Mr. Chairman and Gentlemen of the Committee: On the 7th day of July, A. D. 1887, at Salt Lake City, in the Territory of Utah, a constitutional convention, composed of delegates selected by the people in the several counties of the Territory, unanimously adopted a constitution for the State of Utah, and, on the 8th day of October following, adopted a memorial to Congress, praying for the admission of the proposed State into the Union. The constitution was submitted to the people of the Territory for ratification at the general election for members of the legislature and other officers, held on the first Monday in August, 1887, and was duly ratified by the legal voters of the Territory—13,195 votes being cast for the constitution and 502 against it.

At the opening of the present session of Congress the constitution and memorial were presented by the delegates named in the constitution to the presiding officers of the two houses of Congress, and subsequently they were laid before the Senate and referred to this honorable committee.

At the invitation of your chairman I now appear before you for the purpose of presenting some reasons why Utah's application for admission should be granted. In discharging this duty, imposed upon me as a delegate from the convention and people, I shall try to be as brief as the circumstances will justify, but while I do speak I shall rely upon your patient attention to those peculiar features of the case which alone make argument necessary or delay in admission possible.

The Territory of Utah contains an area of about 85,000 square miles and a population of 200,000 people. As is known to many of this committee from personal observation, the nature of the soil and character of the country generally differs very materially from that of any region east of the Rocky Mountains. The Territory consists of a series of lofty mountain ranges and comparatively deep and narrow valleys. The mountains are rugged and barren, with but little vegetation or timber upon them.

When the pioneers located in the Salt Lake Valley, forty years ago last July, the whole face of nature was seamed and scarred with heat and drought. No timber or verdure of any kind grew in the valleys, except an occasional spot of meadow by the side of some overflowing stream, or a narrow strip of trees along its banks. The only products of the earth were sage brush and grease wood, the former growing on the uplands and the latter on the alkali plains below.

The CHAIRMAN. What is grease wood?

Mr. RICHARDS. It is somewhat similar to sage brush.

Senator STEWART. It is a shrub, and looks a little greener than sage brush.

Mr. RICHARDS. The courageous men who had determined to make their home in the Great American Desert, 1,500 miles from civilization and surrounded by hostile savages, soon demonstrated that water was the magic key to nature's store-house. As the mountain streams were diverted from their natural channels and the water turned upon the plain, vegetation grew and the necessaries of life sprang into existence. The first year they raised a few cereals, and the following year were prepared to feed hundreds of their fellow-countrymen as they passed by on their way to the gold-fields of California. Irrigation proved to be the touch-stone of development and prosperity in the new land. Colonies were formed at or near the mouth of every cañon which produced a living stream, and canals were constructed to take the water out of its natural channel and distribute it upon the parched earth.

In this way settlements were made possible, towns and villages were established, and now there are 250 cities and towns flourishing in the wilderness. Millions of dollars in labor and means have been expended in the construction of ditches and canals, many of which are over 20 miles in length, and some have cost \$250,000 each. The wealth of the Territory, exclusive of mines, which are untaxed and represent unknown millions, aggregates about \$150,000,000. Her agricultural interests are so important that she not only supplies her home market with all necessary grains, fruits, and other products, but contributes largely towards supplying the demand of neighboring Territories and other adjacent markets. Thousands of cattle and millions of sheep are raised within her borders. Woolen and other manufactories abound and demonstrate

her self-supporting power. Her mineral resources are so varied, extensive, and valuable as to afford in themselves material for untold wealth, and the annual output from mines aggregates about \$10,000,000.

There are over 1,100 miles of railroads in the Territory, constituting a part of, or connected with, the great transcontinental lines, while the roads now projected and in course of construction will double that number within two years. The telephone and telegraph are as common there as in any other community of like proportions, and other modern improvements are extensively utilized by her citizens. Taxes are phenomenally low, and her internal affairs are in a most sound and prosperous condition.

We have no public debts, either Territorial, county or municipal, except the one incurred by Salt Lake City in the construction of its canal for irrigating the city, and that is rapidly being liquidated.

Mr. WILSON. I wish you would state what the condition of that debt is.

Mr. RICHARDS. The loan was for \$250,000. A sinking fund was established; the bonds were to be paid in fifteen years. I think about one-half the time has elapsed, and a large number of the bonds have been redeemed. All will have been taken up from this sinking fund before they are due.

Our public school system is one of the best in the country, and statistics show our rate of illiteracy to be lower than that of any other Territory, and less than in many of the States. In 1887 there were 467 public schools in the Territory, with 32,556 pupils enrolled. The public school property was valued at \$482,651, and the annual Territorial school tax for that year amounted to \$106,188.

In passing, I will say that, in addition to this Territorial school tax, there is a local-option law existing in the Territory by which each school district may levy a special tax for the support of schools, which they do, to a greater or less extent, in almost every district in the Territory. So that the schools are in many cases practically free, the cost of tuition being merely nominal.

The CHAIRMAN. An annual tax of \$106,000 is not a very heavy tax to maintain schools for all those children.

Mr. RICHARDS. No, sir. But this tax of \$106,000 is for the payment of teachers. In each district they assess a special tax of one-quarter of 1 per cent. annually for other purposes, and may increase that, at the option of the tax-payers, to any sum they please, not exceeding 2 per cent.

Senator CULLOM. When you say "for other purposes," do you mean for conducting schools?

Mr. RICHARDS. Yes, sir; for other school purposes. I am speaking now exclusively of the school question, and nothing else.

These figures do not include the numerous private schools which exist in the Territory. The public schools are secular in their character and are patronized by all classes and denominations of people.

I might continue at indefinite length to speak of the natural resources, products, and advantages of our favored home, with its delightful climate which is not excelled in the known world, but it would seem a work of supererogation to do so, when they are conceded by all to be amply sufficient to sustain a State government.

This is Utah's fifth application for statehood, and, as the eldest of the family of Territories, she urges that her appeal be answered by prompt admission. Her prosperity and growth under the restraints of Territorial tutelage can not be commensurate with future demands.

It is utterly impossible for a Commonwealth to ever attain stability and dignity under a Territorial form of government. The chief officials are not elected by the people, but are strangers sent to them with absolute and arbitrary powers, which, through ignorance or malice, are often exercised in opposition to the best interests of the people. The absolute veto power possessed by the governor of Utah is a striking illustration of this obnoxious feature of the Territorial system. Any law, however wholesome or desirable, after having been unanimously passed by both houses of the legislature, may be vetoed and irredeemably lost, at the pleasure of a capricious governor. This was the fate of the general appropriation bill of the last session of our assembly, and it was only through the aid of private individuals that the Territory was able to run two years without any disbursement of public funds.

As I have already said, the Territory has advanced as far as it well can, under its present form of government, and nothing but statehood can open the way for the grand march to its exalted destiny.

But, Mr. Chairman and gentlemen, I will not detain you with a longer enumeration of Utah's general qualifications for statehood, because I think it will be conceded, after an examination of the facts, that she has all the essential requisites. But there are certain objections which have been urged against her admission, and they are claimed to be of sufficient weight to warrant a denial of her strong and just appeal for State sovereignty. Let us examine these objections and see if they will stand the ordeal of reason and the test of logic.

The paramount objection urged is that polygamy exists in the Territory, and would, it is claimed, flourish in the new State. In considering this objection it is important that we should first determine, as nearly as possible, to what extent polygamy exists in Utah.

There is an impression abroad in the land that nearly all adult Mormons are polygamists. Nothing could be more fallacious than this. Not more than 2 per cent. of the Mormon people ever were in polygamy, and to-day not more than 1 per cent. of the whole population of the Territory are actual polygamists. This may sound strange to gentlemen who have been accustomed to hear the exaggerated and sensational stories of the chronic grumbler on this subject, but it is nevertheless true.

Senator PAYNE. What percentage of what are called Mormons are polygamists?

Mr. RICHARDS. About 1 per cent. of the whole population are polygamists, which would be perhaps $1\frac{1}{2}$ per cent. of the Mormon population.

The CHAIRMAN. In calculating the percentage of population, you take in the men, women, and children?

Mr. RICHARDS. Yes, sir; I do.

The CHAIRMAN. So that that is not a percentage of the adult population?

Mr. RICHARDS. It is 1 per cent. of the entire population, which would be 2,000 people. I say that there are not over that number. I do not concede that there are that many; I doubt if there are to-day 2,000 polygamists in the Territory.

Senator CULLOM. Do you know how many people, adults, belong to your persuasion in the Territory?

Mr. RICHARDS. No, sir; there has been no correct census taken for some time.

Senator CULLOM. Do you know what proportion of the adults who do belong to the Mormon Church, or adhere to it, are polygamists?

Mr. RICHARDS. No, sir.

The CHAIRMAN. When you say there are not over 2,000 polygamists in the Territory, do you mean 2,000 men?

Mr. RICHARDS. Yes, sir; that is just what I mean. They are the only polygamists; the women have never been accused of polygamy.

The CHAIRMAN. I simply wanted to get at the fact.

Mr. RICHARDS. Well, that is the fact.

Senator PAYNE. When you say that 1½ per cent. of the Mormon population are polygamists, do you include the children of polygamists?

Senator BUTLER. I understand Mr. Richards to say that about 1 per cent. of the entire population are polygamists, and that about 1½ per cent. of the entire Mormon population are polygamists.

Mr. RICHARDS. It might be less than 1½ per cent.

Senator BUTLER. And that relates to the entire population, men, women, and children all together?

Mr. RICHARDS. Yea, sir.

Senator STEWART. Can you give us the percentage of the married men who have more than one wife?

Mr. RICHARDS. No, sir; there are no statistics, that I am aware of, that tell what number of married men there are in the Territory, whether belonging to the church or not.

Senator STEWART. Is there any difference, as you understand it, between polygamy and plural or celestial marriage?

Mr. RICHARDS. There is a difference between the terms plural and celestial marriage, which I will explain further on. But there is no difference between polygamy and plural marriage. Celestial marriage is often confounded with plural marriage, and that I will explain presently.

Senator PAYNE. That is the reason why I asked the question. One polygamist may have twenty, thirty, or forty children, when a person with only one wife would perhaps have only five or ten. I wanted to know whether in making the estimate at 1½ per cent. you took into account the difference in the number of children.

Mr. RICHARDS. The whole statement amounts to this: My claim is that there are not more than 2,000 men who are polygamists in the Territory of Utah.

Senator CULLOM. Perhaps you had better conclude your remarks before we interrupt you with questions.

Mr. RICHARDS. I shall be pleased to be interrupted at any time to explain any point. There is nothing in this matter that requires any concealment.

Senator CULLOM. I did not know but what you dealt with these points further on in your argument, and by answering questions now you would have to repeat yourself before you closed your statement.

Mr. RICHARDS. Then I will answer questions of the committee when interrupted, unless I am going to answer such points further on, and, if so, I will call attention to the fact.

Not only are the numbers of actual polygamists now few, but through death they are diminishing with wonderful rapidity. It is a well known fact in Utah that the aged men are the ones who occupy this status, and time itself is solving the problem with greater certainty and celerity than any human agency possibly could.

But the error as to numbers is only one of the many popular fallacies upon this question. It is claimed by our opponents that these few men wield such boundless power and influence in the communities in which they live that they now control the Territory and would then dominate the State. Let us examine the facts bearing upon this point.

Under the acts of Congress now in force, no polygamist can either vote or hold office in the Territory, and such has been the law since March 22, 1882, when the so-called Edmunds act took effect. This being so, the polygamists have no political power to wield in this matter. They are not here seeking for statehood; it is another class of citizens entirely who are pleading for their rights as freemen. The men who framed the constitution under which we ask admission were not polygamists. Not only had they refrained from past violations of the law, but they had taken a solemn oath to observe its requirements in the future.

That this committee may know what kind of men we represent here to-day, I will read the oath that was taken by every man who sat in the constitutional convention, and by every one who voted at the polls for this constitution. It reads as follows:

You, and each of you, do solemnly swear that you are a citizen of the United States and of the Territory of Utah; that you will support the Constitution of the United States, and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," and will also obey the act of Congress of March 3, 1887, entitled "An act to amend an act entitled 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes,'" approved March 22, 1882, in respect of the crimes in said act defined and forbidden, and that you will not directly or indirectly aid, abet, counsel, or advise any other person to commit any of said crimes defined by acts of Congress as polygamy, bigamy, unlawful cohabitation, incest, adultery, and fornication, and that you will observe the laws of the Territory of Utah, so help you God.

Now, gentlemen, having shown you the class of citizens who formed and ratified the constitution, I call your attention to some of its peculiar provisions, which were intended to meet this very objection and settle the vexed question for all coming time.

Section 12 of Article XV of the constitution says:

SEC. 12. Bigamy and polygamy being considered incompatible with "a republican form of government," each of them is hereby forbidden and declared a misdemeanor.

Any person who shall violate this section shall, on conviction thereof, be punished by a fine of not more than \$1,000 and imprisonment for a term not less than six months nor more than three years, in the discretion of the court. This section shall be construed as operative without the aid of legislation, and the offenses prohibited by this section shall not be barred by any statute of limitation within three years after the commission of the offense; nor shall the power of pardon extend thereto until such pardon shall be approved by the President of the United States.

Section 1 of Article XVI provides for amendments to the constitution in the usual way, but limits the power to amend by the following proviso:

Provided, That section 12 of Article XV shall not be amended, revised, or in any way changed until any amendment, revision, or change as proposed therein shall, in addition to the requirements of the provisions of this article, be reported to the Congress of the United States and shall be by Congress approved and ratified, and such approval and ratification be proclaimed by the President of the United States, and if not so ratified and proclaimed said section shall remain perpetual.

Senator BUTLER. You do not expect anybody who has any regard for the rights of the States to vote for that provision of the constitution, do you? I certainly would not; I will give you notice in advance. Neither Congress nor the President of the United States has anything to do with the amendments of State constitutions, as I understand our form of government.

The CHAIRMAN. What do you say about it when it is a condition on which they are admitted?