
CHURCH FIGHTS SUBPOENA FOR JOSEPH SMITH'S SECRETARY'S DIARIES

On April 28, 1983, the Mormon scholar Andrew Ehat filed a lawsuit against us (Jerald and Sandra Tanner) in an attempt to stop publication of some extracts from the diaries of Joseph Smith's private secretary, William Clayton. Because these diaries contain embarrassing material on the origin of polygamy and other matters, they have been suppressed in the vault of the First Presidency of the Mormon Church. Some time prior to 1981, Mr. Ehat gained access to the diaries and made the revealing extracts. Ehat tried very hard to keep the material from falling into the hands of critics of the Church, but a member of a bishopric in Provo duplicated the material and it was widely circulated by Mormon scholars at Brigham Young University. These extracts subsequently found their way into our hands and we printed them in the book *Clayton's Secret Writings Uncovered*. We feel that the copyright laws do not support Ehat's contention and believe that the suit is doomed to failure. In response to Mr. Ehat's accusations, our lawyer subpoenaed the President of the Mormon Church and/or his representative to appear with the original Clayton diaries to give testimony on our behalf.

On July 22 attorneys for the Corporation of the President of the Church filed a motion which asked that our subpoena "be quashed and the discovery requested therein not be had on the grounds (1) that the requested discovery is not needed by the parties, nor relevant to the subject matter of this action, and not likely to produce admissible evidence, and (2) that the requested discovery is an annoyance and oppression, and an undue burden upon the Corporation of the President, . . ." In an accompanying Memorandum of Law the Church's attorneys stated: "The Corporation of the President of the Church of Jesus Christ of Latter-day Saints, and President Spencer W. Kimball of the Church, have standing to object to the production of documents which are unnecessary to the parties and irrelevant to the subject matter herein and with respect to which production may be sought for ulterior motives." On September 6 a hearing was held before Judge A. Sherman Christensen. The Church's attorney, Wilford W. Kirton, vigorously opposed the subpoena. Mr. Kirton argued:

The church, Mormon Church, has now been subpoenaed through its principal officer, Spencer W. Kimball, to appear and produce the original documents referred to as diaries, or the diary of William Clayton, . . . I'm here representing a third party who is required by subpoena duces tecum, unless the court gives protective order which we seek, to produce documents from its archives which have not heretofore been published in order to satisfy what the defendant conceives to be an issue in this case . . .

Now, this is a matter of some serious moment as far as we are concerned; and we call the court's attention to those authorities that have been cited to it in support of this motion, and particularly at this time to *Mc Cormick on Evidence* at section 77. I will very briefly read, "It is evidence that for many people, judges, lawyers and laymen the protection of confidential communications from enforced disclosure has been thought to represent rights of privacy and security too important to relinquish to the convenience of litigants" . . . suddenly we find ourselves being subpoenaed to come in to court and make public certain writings, which up to the present time remain unpublished, . . .

Now, the defendants in this case, as I conclude, have, since the motion has been filed to quash, published another document here. It goes without saying any cursory reading of this document or any of their other writings discloses without question of doubt that they are self-appointed critics of the church that I represent, seek to find from whatever sources they can matters that they think are important in their minds enough to make public a part of their general criticism [*sic*] of the church. I am confident that which motivates them to require the public, or the publication or the bringing in to court of the materials that they seek to subpoena are for those purposes rather than to assist them in the defense of the cases being brought against them by the plaintiff. ("Hearing to Quash Subpoena Duces Tecum and Objections Before the Honorable A. Sherman Christensen, Tuesday, September 6, 1983," certified copy, pages 4, 5, 7)

On page 20 of the same hearing, the Church's attorney stated: ". . . I represent an organization that is very concerned about parties attempting to frame issues through which its own private materials may be discoverable. It has no desire to submit to the scrutiny of the parties."

JUDGE'S DECISION

Andrew Ehat's lawyer, Gordon A. Madsen, who is the "authorized agent of Religious Studies Center" at the Mormon Church's Brigham Young University, joined with the church's attorney in urging that the diaries be suppressed:

. . . their principal reason for wanting to see the original journal of William Clayton is to further embarrass the Mormon Church.

There is no reference about the rights of the plaintiff in this lawsuit, just rather we want more. Having stolen the horse, or gotten possession of the horse, we want the bridle and the saddle so we can embarrass you. . . . I believe that the defendants are hoping in trying to get this discovery of this otherwise private journal of William Clayton, never before published, . . . They're hopeful, I believe, in order to put pressure on the Mormon Church to produce Clayton's journal, the church will put pressure on the plaintiff to withdraw the lawsuit to protect his rights in order not to have the Mormon Church embarrassed. ("Hearing . . .", pages 8-9)

Judge Christensen took the matter "under advisement" and on September 16, ruled that the church would not have to produce the diaries. (A photomechanical printing of the judge's decision as well as the hearing itself is available from Utah Lighthouse Ministry for \$1.00.) In order to get the ruling to suppress the diaries, Ehat's lawyer had to back off from one of the charges made in the original complaint against us. This charge stemmed from some personal comments Ehat added to the Clayton extracts. Before we published the manuscript we noticed these comments. While we knew that Ehat could not copyright material from the diaries, we felt that he could possibly claim a copyright on his own comments. To solve this problem we blacked out Ehat's own notes which appear in the text. We explained this matter in the Introduction to *Clayton's Secret Writings Uncovered*. In the lawsuit, however, it was charged that our claim to have "blacked out" Ehat's comments was "false" (page 5). Now, since it was sometimes difficult to tell when Ehat had added a comment, it could be possible that some of Ehat's material filtered through. If it amounted to less than a few hundred words (which we feel is most likely), we could claim "fair use" and could easily win the suit. If, on the other hand, Ehat could show that a considerable amount of material written by him was not blacked out, there is a possibility that we could lose the suit. The only way we would ever be able to determine

the truth about the matter would be by examining the original diaries. In order to keep the diaries suppressed, Mr. Ehat's lawyer decided he would have to admit that the charge he had made against us was irrelevant to the outcome of the suit. Mr. Kirton (the church's lawyer) also argued for this position:

The defendant . . . indicates to the court by answer and other documents that the materials which are the subject matter of the lawsuit were not any infringement of any copyright of the copyrights of the plaintiff, but simply were the reproduction of certain notes made by the defendant in connection with the preparation of his publication; and that exercising due care, these instruments came into the hands of the defendant, exercising due care that not be a violation of any of his original works. Care was taken though, as alleged by the defendant, to blot out in its reproduction of his notes whatever they could conceive to be his original work. . . .

Now, in a conversation before this hearing with counsel for the plaintiff, I believe he is prepared to say that the only things that are in the paragraph notes of Mr. Ehat, the plaintiff, on which there could be any question are a few dates, a couple of little marginal notes or this sort of thing which would not be material to his theory of the case that he is urging the court to consider . . . it could be only on a technical date or two that appear in the margins that perhaps have not been blacked out. That can't be material to whether or not there has been a violation of the rights of the plaintiff which he has brought to this court with respect to the total publication. I respectfully urge this court to give the protective order that we have respectfully requested and protect the information that cannot serve any useful purpose in the determination of the issues as they have been framed in this lawsuit. ("Hearing . . .", pages 3, 4, 6-8)

The following exchange occurred between Judge Christensen and Ehat's lawyer:

THE COURT: Suppose the defendant is correct though that with regard to quotations from the journal, they are not subject to your client's proprietary interest? Suppose that were held?

MR. MADSEN: Then it wouldn't matter whether some parts are blacked out or not blacked out, matters why he would be entitled to publish.

THE COURT: He would be entitled to publish not only the extraction but the commentary of your client concerning them?

MR. MADSEN: They make an argument in their memorandum if he isn't successful in all blacking out what notes are left are exempt under fair common notion of copyright. They also —

THE COURT: You're not responding to my question.

MR. MADSEN: I'm sorry. Maybe I misunderstood your question.

THE COURT: Do you concede that if the law is that the quotations of your quotation from the journal doesn't violate any proprietary interest of your client that your case fails?

MR. MADSEN: I think it does. I think if they can say this is not copyright material and they therefore are at liberty to print it. ("Hearing . . .", pages 10-11)

In his ruling on the motion to quash the subpoena, Judge Christensen wrote:

Plaintiff's complaint is not a model of clarity or certainty and talks in general of copyrighted works completed or to be completed, and of the notes from the Clayton Journals upon which these publications have been or will be based that have fallen into the hands of the defendants and which have either been republished or he fears will be republished by them. . . .

It is true that in argument plaintiff's counsel claimed some work product interest in his research in general or in his arrangement of his research material. The complaint, however, negates any such separate actionable claim. Indeed, in response to the question of the court, plaintiff's counsel conceded that if quotations from the Clayton Journal were not protectible under plaintiff's claimed copyrights or proprietary interest, his "case would fail," despite the fact that there may have been some of plaintiff's own comments commingled with the quotations. The defendants on their part have disaffirmed by their own writings any claim of right or intent to publish protected work products of plaintiff as distinguished from the extracts he has made from the Clayton Journals. ("Ruling on Motion to Quash Subpoena Duces Tecum," pages 2 and 4)

While the Church and Ehat's lawyer were able to keep us from seeing the original diaries at the present time, we will be seeking them again if Mr. Ehat continues to press the suit. We maintain that Ehat cannot copyright the writings of William Clayton. The following is plainly stated in Section 103(b) of Title 17, United States Code: "The copyright in a compilation or derivative work extends only to the material contributed by the author of such work, as distinguished from the preexisting material employed in the work, and does not imply any exclusive right in the preexisting material." Since Ehat's notes are composed of extracts from "preexisting" material (the diaries of William Clayton), he cannot claim copyright protection. If Mr. Ehat had made a unique compilation or translation of Clayton's words, he could have sought

protection under the copyright law. The notes which we have published do not meet either of these requirements.

Mr. Ehat's lawyer argues that "the arrangement of the actual original Clayton material are proprietary rights of my client . . ." We feel, however, that the extracts are not organized in any way for publication and therefore do not qualify as copyrightable material. In any case, we do not see how that could possibly win the suit if the Church does not produce the original diaries for inspection by the court. We do not believe that any judge would convict us of a copyright violation without allowing us to compare the original diaries with Ehat's version, and we would not accept such a decision without making an appeal to a higher court. The claim of a unique arrangement could not possibly be proven without the diaries themselves.

At any rate, one Mormon scholar said that Ehat's notes are actually a compilation of material from three individuals—Andrew F. Ehat, Lyndon W. Cook and James B. Allen, who formerly served as Assistant Church Historian. When Ehat and Cook published their book, *The Words of Joseph Smith*, in 1980, they credited James B. Allen with providing material they used from the Clayton diary. In a footnote on page 263 they stated: "23. William Clayton 1842-1846 Diaries. Citations from these diaries are used by permission and were provided by Dr. James B. Allen, . . ." It seems very likely that Ehat is claiming a copyright on some material he derived from other scholars. In order to get to the bottom of this matter, we are going to subpoena Ehat, Cook, Allen and possibly other Mormon scholars to testify concerning the matter. We are also thinking of subpoenaing a Mormon Apostle who talked to Ehat about the extracts. (If some of our readers have information about the Ehat affair, we would certainly appreciate it if they would contact us.)

FOR OUR GOOD

Fighting this lawsuit will cost thousands of dollars and a great deal of time, but we feel that it will all work out for our good. The publicity surrounding it has already helped our work a great deal. Some of those who oppose our work have been hoping that the suit will drive us into bankruptcy, but we feel that it will have just the opposite effect. As Joseph told his brothers who had sold him into Egypt, ". . . ye thought evil against me; but God meant it unto good, to bring to pass, as it is this day, to save much people alive" (Genesis 50:20). In Romans 8:28 we read: "And we know that all things work together for good to them that love God, to them who are the called according to his purpose."

Although Andrew F. Ehat is attempting to destroy our work with a suit which asks damages of up to “the sum of \$50,000,” and the costs of the action to the plaintiff, we do not hold any bad feelings toward him. He apparently feels that he is doing the right thing and that he is working to save the Mormon Church. When Ehat originally discovered that the extracts were circulating at Brigham Young University, he exclaimed: “If this gets out it could destroy the Church” (*Seventh East Press*, January 18, 1982, page 11). In his misguided zeal to protect the Church, Mr. Ehat is actually causing it more embarrassment by bringing a great deal of attention to the matter. If we did not know otherwise, we would almost think that Mr. Ehat is working for our side.

MUST SUPPRESS

At the beginning of this *Messenger* we indicated that the Church is fighting to suppress the Clayton diaries because they “contain embarrassing material on the origin of polygamy and other matters.” One of the most important reasons for suppressing the diaries relates to the fact that they discredit Joseph Smith’s *History of the Church*—one of the most important publications issued by the Mormon Church. Below is some very revealing information which is taken from the Preface of our publication *Clayton’s Secret Writings Uncovered*.

In *Mormonism—Shadow or Reality?* pages 126-142D, we show that the *History of the Church*, which was supposed to have been written by Joseph Smith himself, is filled with serious problems and that over 60% of it was actually compiled after Smith’s death. The Mormon leaders plagiarized from diaries, newspapers and oral accounts of other people to complete the history. To make it appear that the history was written by Joseph Smith, these accounts were changed to the first-person. The extracts from Clayton’s diaries throw important light on this subject. Even a superficial examination reveals that Clayton’s writings were the source for entries attributed to Joseph Smith in the *History of the Church*. For instance, under the date of May 1, 1843, Clayton recorded this statement concerning the Kinderhook plates in his diary: “Prest J. has translated a portion and says they contain the history of the person with whom they were found & he was a descendant of Ham . . .” (page 18). In the *History of the Church* this has been falsified to make it appear that Joseph Smith was the author: “I have translated a portion of them, and find they contain the history of the person with whom they were found. He was a descendant of Ham, . . .” (vol. 5, page 372).

On May 16, 1843, Clayton wrote: “Before we retired the Prest. gave bro Johnson & wife some instructions on the priesthood. He put his hand on my knee and says . . .” (page 40). This has been rewritten as follows in the *History of the Church*, vol. 5, page 391: “Before retiring, I gave Brother and Sister Johnson some instructions on the priesthood; and putting my hand on the knee of William Clayton, I said:”

The extracts from William Clayton’s diaries not only provide evidence that third-person sources were changed to appear that Joseph had authored them, but they also cast doubt upon one of Joseph Smith’s most famous prophecies—the prediction that

Steven A. Douglas would “aspire to the presidency of the United States.” This prophecy appears in Joseph Smith’s *History of the Church*, vol. 5, page 394, under the title, “The Great Prophecy on the Head of Steven A. Douglas”:

Judge, you will aspire to the presidency of the United States; and if ever you turn your hand against me or the Latter-day Saints, you will feel the weight of the hand of Almighty upon you; . . .

The Mormon historian B. H. Roberts made the following comment concerning this prophecy: “Two great prophecies by Joseph Smith belong to this period. The first was in relation to the removal of the saints to the valleys of the Rocky Mountains; the other was a most remarkable prediction concerning Steven A. Douglas, . . .” (*A Comprehensive History of The Church of Jesus Christ of Latter-day Saints*, vol. 2, page 181)

In his book *Prophecies of Joseph Smith and Their Fulfillment*, Nephi Lowell Morris maintained that the prophecy concerning Steven A. Douglas provides “incontrovertible evidence to the divine mission and inspiration of Joseph Smith” (page 215). On pages 201-202 of the same book, Morris argued that “At the time of the event, Steven A. Douglas was in his thirtieth year and though a bright and promising young man, he was scarcely known outside of his own state.”

In the *History of the Church* a note appearing in brackets on page 393 of vol. 5 indicates that this prophecy was actually taken “from the journal of William Clayton, who was present.” In other words, it was supposed to have been copied from Clayton’s diary into the “Manuscript History” of the Church. Since Ehat’s extracts from Clayton’s diary cover the same day, one would expect to find the prophecy recorded there. An examination, however, reveals that while the diary does mention Douglas, the prophecy concerning him is not included. Joseph Smith is quoted as saying the following on May 18, 1843:

. . . “I prophecy in the name of the Lord God that in a few years this government will be utterly overthrown and wasted so that there will not be a potsherd left” for their wickedness in conniving at the Missouri mobocracy. The Judge appears very friendly & acknowledged the propriety of the prests. remarks. (*William Clayton’s Diary*, May 18, 1843, typed excerpts, page 42)

The account published in the *History of the Church* is about 160 words longer than the one found in Clayton’s diary. It differs in two very important aspects: One, additional words appear in Joseph Smith’s prophecy that the United States would be “utterly overthrown.” These words change the prophecy to make its fulfillment conditional upon the performance of the United States Government. Two, the entire prophecy concerning Douglas has been inserted. In the quotation from the *History of the Church* which is printed below we have marked the important additions with italics:

. . . I prophesy in the name of the Lord God of *Israel, unless the United States redress the wrongs committed upon the Saints in the state of Missouri and punish the crimes committed by her officers* that in a few years the government will be utterly overthrown and wasted, and there will not be so much as a potsherd left, for their wickedness *in permitting the murder of men, women and children, and the wholesale plunder and extermination of thousands of her citizens to go unpunished, thereby perpetrating a foul and corrodng blot upon the fair fame of this great republic, the very thought of which would have caused the high-minded and patriotic framers of the Constitution of the United States to hide their faces with shame.* Judge, you will aspire to the presidency of the United States; and if ever you turn your hand against me or the Latter-day Saints, you will feel the weight of the hand of Almighty upon you; and you will live to see and know that I have testified the truth to you; for the conversation of this day will stick to you through life.

Spending of eternal duration of matter he said, There is no such thing as immortal matter. All spirit is matter but is more fine or pure and can only be discerned by purer eyes. We can see it but when our bodies are purified we shall see that it is all matter. The gentleman named pleases I said he should visit Nauvoo immediately.

Thursday 18th. We left Macedonia about 4 and arrived Carthage at 10. I visited the priest, wether children who die in infancy will grow. He answered "no, we shall receive them precisely in the same state as they died in no larger. They will have as much intelligence as we shall but shall always remain separate and simple. They will have no increase. Children who are born dead will have full grown bodies being made up by the resurrection.

At Carthage we held some times in. Stated at Buchanan's with Judge Douglas who is residing at Court. After dinner the Pres. & Judge had conversation concerning sundry matters. The Pres. said "I prophesy in the name of the Lord God that in a few years this government will be utterly overthrown and wasted so that there will not be a pebble left" for their wickedness in contriving at the Missouri robbery. The Judge appears very friendly & acknowledged the propriety of the pres. remarks.

We left Carthage about 2 & arrived home at 4 1/2. My family all well. May 20th 1843. ... Rode on prairie with pres. J. Jackson bro Bailey & others to look lands P.M. rode out with Jackson to show lands. pres. Smith tells me he has appointed Jackson to sell lands and relieve me of their burdens. He says Jackson appears a fine & noble fellow but is reduced in circumstances. The pres. feels disposed to employ him & give him a place in the world. Jackson says he shall be baptized ere long. Sunday 21. Pres. J. presided on 3 Peter chapter 1 to a very full house. P.M. we had sacrament administered Evening I took a walk with my wife K. to H. Stewart's & drove to the post office

into Adam his soul [i.e. Adam's spirit] or breath of life; but when the word "reeds" applies to Eve, it should be translated first. Speaking of eternal duration of matter, I said: There is no such thing as immortal matter. All spirit is matter, but is more fine or pure, and can only be discerned by purer eyes. We cannot see it, but when our bodies are purified, we shall see that it is all matter.

The priest seemed pleased with the correction, and stated his intention to visit Nauvoo.

A conference was held in the Columbia Hall, Grand Street, New York, where fifteen braaches, six high priests, thirty-six elders, nineteen priests, sixteen teachers, five deacons, and three hundred and eighty-seven members were represented. Forty-nine have been baptized since last conference; many have removed to Nauvoo; and twenty-eight have been excommunicated. Four elders and one priest were ordained.

Thursday, 18.—We left Macedonia about half past eight a. m., and arrived at Carthage at ten.

[The following brief account of the prophet's visit with William Clayton, who was present:—]

The Great Prophecy on the Road of Stephen A. Douglas. Dined with Judge Stephen A. Douglas, who is residing at court. After dinner Judge Douglas requested President Joseph to give him a history of the Missouri persecutions, which he did in a very minute manner, for about three hours. He also gave a relation of his journey to Washington city, and his application in behalf of the Saints to Mr. Van Buren, the President of the United States, for redress and Mr. Van Buren's polite answers reply. "Gentlemen, your cause is just, but I can do nothing for you;" and the old, suffering man in which he was treated by most of the senators and representatives in relation to the subject, Clay saying, "You had better go to Oregon," and Calhoun shaking his head solemnly, saying, "It's a nice question—a critical question, but it will not do to agitate it."

The Judge listened with the greatest attention and spoke warmly in defense and commendation, writing 1811 78. The interpretation I give in the words is justified by the following from the Book of Abraham: "And the Chaldeans found them from the dust of the ground, and took the spirit (that is, the man's spirit) and put it into him, and breathed into him the breath of life, and man became a living soul." Chap. 11, v. 6.

deposition of the conduct of Governor Briggs and the authorities of Missouri, who had taken part in the extermination, and said that any people that would do as the mobs of Missouri had done ought to be brought to judgment; they ought to be punished.

President Smith, in concluding his remarks, said that if the government, which received into its coffers the money of citizens for its public debt, which its officials are selling in luxury at the expense of the public treasury, cannot protect such citizens in their lives and property, it is an old greedy avarice; and I prophesy in the name of the Lord God of Israel, unless the United States redress the wrongs committed upon the Saints in the state of Missouri and punish the crimes committed by her officers that in a few years the government will be utterly overthrown and wasted, and there will not be so much as a pebble left, for their wickedness in permitting the murder of men, women and children, and the wholesale plunder and extermination of thousands of her citizens to go unpunished, thereby perpetrating a foul and corroding blot upon the fair fame of this great republic, the very thought of which would have caused the high-minded and patriotic framers of the Constitution of the United States to hide their faces with shame. Judge, you will agree to the propriety of the United States; and if ever you have your hand against us or the Latter-day Saints, you will feel the weight of the hand of Almighty upon you; and you will live to see and know that I have testified the truth to you; for the observation of this day will stick to you through life.

He [Judge Douglas] appeared very friendly, and acknowledged the truth and propriety of President Smith's remarks.

We then rode home, where we arrived about half-past five p. m., and found my family all well.

Mr. Joseph H. Jackson, who professed to be a Catholic priest, was at my house awaiting my arrival.

At six p. m., I called at my office for Arlington Bennett's letter.

Friday, 19.—I borrowed of Orion Hyde fifty dollars, which I paid to Mr. Eriv Rhodes, and which he is either to repay in cash or let me have lumber.

I rode out with Mr. Jackson in the afternoon.

Told Brother Phelps a dream that the history must go ahead before anything else.

Elder George P. Dytton writes:

* See note at end of chapter.

To the left is a photograph which contains Andrew Ehat's extract from William Clayton's diary for May 18, 1843. Notice that the circled portion contains only 78 words. The two pages to the right are from volume 5 of the *History of the Church*, printed by the Mormon Church. These pages quote the entry for the same day "from the journal of William Clayton." Notice, however, that they contain 456 words and include the famous prophecy concerning Stephen A. Douglas which is not found in Ehat's version.

He (Judge Douglas) appeared very friendly, and acknowledged the truth and propriety of President Smith's remarks. (*History of the Church*, vol. 5, page 394)

Instead of confirming the famous prophecy concerning Douglas, William Clayton's diary seems to provide evidence against it. All it contains is the false prophecy that the United States will be destroyed. Joseph Smith's private dairy for May 18, 1843, is also silent concerning the prophecy. The manuscript for the *History of the Church* cannot be used as evidence for the prophecy because this portion was NOT written during Joseph Smith's lifetime. In an article published in 1971, Dean C. Jessee, who was serving on the staff of the Historical Department of the Church, published a chart which shows that this portion of the *History of the Church* was not written until 1854 or 1855 (*Brigham Young University Studies*, Summer 1971, page 441). This, of course, would be 10 or 11 years after Joseph Smith's death! If the prophecy concerning Douglas was made up in the 1850s, as the evidence seems to indicate, then it has no real value. By the middle of that decade it was well known that Douglas wanted to be President of the United States. T.B.H. Stenhouse informs us that in 1856 "Senator Douglas was a candidate for the Presidency" but that his party (the Democrats) chose James Buchanan to represent them. In 1860 Douglas finally received the nomination of the convention but was defeated by Abraham Lincoln in the election (*The Rocky Mountain Saints*, pages 347-48). Since Douglas died shortly after his defeat, Mormon historians seem to feel that God punished him for turning against the Church. These same apologists do not seem to realize that this type of reasoning could be used against Joseph Smith. In *Mormonism—Shadow or Reality?* pages 416-17, we show that Smith also aspired to be President of the United States. In 1844 he announced himself a candidate and the Elders of the Church were sent out to "electioneer for Joseph to be the next President" (*History of the Church*, vol. 6, p. 325). Before the election ever took place, however, Joseph Smith was murdered in the Carthage Jail. B. H. Roberts maintained that Douglas died "while yet in the prime of manhood—forty-eight years of age . . ." (*Ibid.*, page 396). For those who are not already committed to the defense of Mormonism, this does not provide any evidence that God was judging Steven A. Douglas for opposing the Church. After all, Joseph Smith was ten years younger than Douglas when he was murdered. If Douglas died in the "prime of manhood," what can be said about Joseph Smith? B. H. Roberts claimed that Joseph Smith's prophecy concerning Douglas "is one of the most remarkable prophecies either in ancient or modern times" (*History of the Church*, vol. 3, p. 395). When all of the evidence is examined, however, it becomes clear that this purported prophecy does not furnish any evidence favorable to Mormonism.

HELP NEEDED

Utah Lighthouse Ministry is a non-profit organization which is helping thousands of Mormons to come to the knowledge of the truth. This ministry also provides help to two Rescue Missions (Rescue Missions preach the Gospel to the unfortunate, alcoholics and drug addicts, as well as feed, clothe and sleep the poor). All gifts given to Utah Lighthouse Ministry are tax-deductible.

At the present time a number of Mormons are trying to find ways to stop this work. We feel, however, that we

have the truth on our side, and if our readers continue to support the work, we are confident we will prevail. Even those who cannot help financially, can stand with us in prayer.

LOST & FOUND?

Spalding's Manuscript and 116 Book of Mormon pages

A few months ago a reporter from one of the largest newspapers in the United States asked us if it was true that the Mormon Church had bought the long-lost Solomon Spalding manuscript for \$6,000,000. We replied that we had no information to support such an accusation. It is known, of course, that Spalding prepared a manuscript on the inhabitants of ancient America, and we have published it in its entirety in our book, *Did Spalding Write the Book of Mormon?* Many people, however, feel that Spalding wrote another manuscript (now lost) which was the true source of the Book of Mormon. Although we have tried to keep an open mind on this matter, we have never put much stock in this theory. In any case, it was this manuscript to which the reporter was referring. In other words, he was trying to find out if it was true that the Mormon Church had paid \$6,000,000 to suppress the fact that Spalding was the real author of the Book of Mormon.

Some time after this, we received a phone call which seems to explain the source of the rumor. The woman on the phone told us that if we would call a Mr. D_____ in St. James, New York, within half an hour, he could give us the details concerning the rediscovery of Spalding's manuscript. The number we were given was 516-862-6448. We believed that someone might be playing a joke on us, but since the area code (516) was for the state of New York, we decided to take a chance. At first Mr. D. seemed rather indignant about the intrusion and was reluctant to talk about the matter, but with some prompting, he finally told us that he had discovered Spalding's lost manuscript. In this and other phone conversations he revealed that he had found the 339-page manuscript in an old piano. He not only claimed that he found the manuscript, but he maintained that he also had a sixteen-page document written by Sidney Rigdon in which he confessed the part he played in the whole deception. This was not all, however; he also found an 1830 edition of the Book of Mormon which was marked to reveal the portions which were plagiarized from the Spalding manuscript.

We must admit that at first this all sounded very impressive, and we were certainly prepared to revise our views on the Spalding controversy if Mr. D. had the documents which he spoke of. Unfortunately, however, it soon became apparent that there were serious problems in this man's story—problems that make it almost impossible to believe. To begin with, the claims are so sensational that they tend to make a person suspicious. If Mr. D. had claimed to have either the Spalding manuscript or the Rigdon confession, this would have been exciting enough, but for him to have stated he had both seemed just too good to be true. It is now obvious that although Mr. D. makes fantastic claims, he does not seem to be willing to back them up with any evidence. When we asked if we could examine the documents, he replied no, but said we could talk to Howard Davis and he could tell us all about the matter. We were surprised that we were referred to Mr. Davis. The reader will remember that in *Who Really Wrote the Book of Mormon?* Davis maintained that at least part of the Spalding manuscript was in the Mormon Church archives and that handwriting experts have verified this claim. To admit that Mr. D. had the original manuscript would seem to cast doubt on this idea. In any case, we have since learned that Mr. Davis has not actually seen the documents but is merely depending on this man's word. Mr. D. also stated that Walter Martin had been to his home in St. James, N. Y., to see the documents. When we called Martin's office, however, his staff told us that they knew absolutely nothing about the matter. In a telephone conversation with Wesley P. Walters, Mr. D. claimed that a newspaper reporter had been out to his house to see the material. When Walters called the reporter, however, he said that he had never been to the man's house, although he had talked to him on the phone. Mr. D. also told Wesley Walters that he had a report prepared at the F.B.I. laboratory which proved that the paper in the Spalding manuscript dated to the period between 1808 and 1811. He also said that he had sent information verifying the authenticity of the document to Dartmouth College. We felt that it was unlikely that an employee of the F.B.I. would use its laboratory to authenticate private papers which have no relationship to law enforcement, and when Mr. Walters called Dartmouth College, he was told that Mr. D. had not provided any documentation concerning the manuscript.

Mr. D. stated that he was thinking of using the manuscript to stir up the Spalding family to sue the Mormon Church, or else he might just lock it up and not let anyone see it for a hundred years. Taken as a whole, his story reminded us of some of the tales we have been told by con men who pass through the Rescue Mission.

They always give tantalizing accounts of what they can provide in the future, but when they are pressed for evidence, they are unable to come up with anything tangible. Now, we certainly would not accuse Mr. D. of forgery. We have no evidence that he has forged any documents. As far as we can tell, the manuscripts either exist only in his own fertile imagination, or he is committing a deliberate hoax. One supporter of the Spalding theory has strongly urged that nothing be printed about this matter and it has been suggested that Mr. D. is so eccentric that he might burn the manuscripts if we publish a critical article. We believe, however, that the whole matter sounds suspiciously like Joseph Smith's story of the gold plates, and we feel that Mr. D. should be pressured into either bringing forth his evidence or admitting that he has none.

LEHI'S LOST BOOK

Mormon leaders often charge that a number of books have been lost or suppressed from the Bible, but they seldom mention the fact that Joseph Smith lost 116 pages of the Book of Mormon manuscript. This portion was known as "the book of Lehi." The first edition of the Book of Mormon, published in 1830, contains a "Preface" by "The Author." This "Preface" has been completely removed from later editions. It was apparently embarrassing to the Mormon leaders because it told how Joseph Smith lost the "Book of Lehi":

PREFACE.

To the Reader—

As many false reports have been circulated respecting the following work, . . . I would inform you that I translated, by the gift and power of God, and caused to be written, one hundred and sixteen pages, the which I took from the Book of Lehi, . . . which said account, some person or persons have stolen and kept from me, notwithstanding my utmost exertions to recover it again—and being commanded of the Lord that I should not translate the same over again, for Satan had put it into their hearts to tempt the Lord their God, by altering the words, that they did read contrary from that which I translated and caused to be written: and if I should bring forth the same words again, or, in other words, if I should translate the same over again, they would publish that which they had stolen, and Satan would stir up the hearts of this generation, that they might not receive this work: but behold the Lord said unto me, I will not suffer that Satan shall accomplish his evil design in this thing: therefore thou shall translate from the plates of Nephi, until ye come to that which ye have; and behold ye shall publish it as the record of Nephi; and thus I will confound those who have altered my words. . . . The Author.

Joseph Smith's mother gave this information concerning the lost "Book of Lehi":

Martin Harris, having written some one hundred and sixteen pages for Joseph, asked permission of my son to carry the manuscript home with him, in order to let his wife read it, . . .

Joseph . . . inquired of the Lord to know if he might do as Martin Harris had requested, but was refused. . . . Joseph inquired again, but received a second refusal. Still, Martin Harris persisted as before, and Joseph applied again, but the last answer was not like the two former ones. In this the Lord permitted Martin Harris to take the manuscript home with him, on condition that he would exhibit it to none, save five individuals . . . Mr. Harris had been absent nearly three weeks, and Joseph had received no intelligence whatever from him, . . . we saw him [Harris] walking with a slow and measured tread towards the house, . . . Harris pressed his hands upon his temples, and cried out, in a tone of deep anguish, "Oh, I have lost my soul! I have lost my soul!"

Joseph, . . . sprang from the table, exclaiming, "Martin, have you lost that manuscript?" . . .

"Yes, it is gone," replied Martin, "and I know not where."

"Oh, my God" said Joseph, clinching his hands. "All is lost! all is lost! What shall I do? I have sinned—it is I who tempted the wrath of God." . . . He wept and groaned, and walked the floor continually . . . Joseph continued, pacing back and forth, meantime weeping and grieving, until about sunset, . . .

The manuscript has never been found; and there is no doubt but Mrs. Harris took it from the drawer, with the view of retaining it, until another translation should be given, then, to alter the original translation, for the purpose of showing a discrepancy between them, and thus make the whole appear to be a deception. (*Biographical Sketches of Joseph Smith the Prophet*, pages 117, 118, 120-123)

We have always believed that if the lost 116 pages of the Book of Mormon could be found, it would be one of the most important developments in Mormon history. There is at least one printed report that these lost pages were not destroyed immediately. In a statement published in 1888, W. R. Hine wrote:

Soon I learned that Jo claimed to be translating the plates in Badger's Tavern, in Colesville, three miles from my house. . . . Martin's wife cooked for them, and one day while they were at dinner she put one hundred and sixteen pages, the first part they had translated, in her dress bosom and went out. . . .

Dr. Seymour came along and she gave them to him to read and told him not to let them go. Dr. Seymour

lived one and a half miles from me. He read most of it to me when my daughter Irene was born; he read them to his patients about the country. It was a description of the mounds about the country and similar to the "Book of Mormon". . . . Martin Harris . . . has many times admitted to me that this statement about his wife and the one hundred and sixteen pages, as above stated, is true. (*Naked Truths About Mormonism*, Oakland, California, January 1888, page 2)

Wesley P. Walters did some original research and found that Dr. Seymour was in the area at about that time, but he was unable to find if there was any truth to the story that he had the missing pages. At any rate, Mark Hofmann, who has become famous because of his discoveries of early Mormon documents, has been diligently searching for the 116 pages. In the *Sunstone Review*, September 1982, page 18, we read the following:

REVIEW: Is there anything you know exists that you are looking for specifically?

HOFMANN: I'm hoping the lost 116 manuscript pages exist.

REVIEW: Do you have any evidence that they exist?

HOFMANN: I've heard a lot of rumors, and I've tracked down lots of leads. In fact, I have spent thousands of dollars in the pursuit of them, phone calls, research, and trips back and forth to the East.

Some time after this was written, we heard that the missing pages had been located and read by different individuals and that the contents were "dynamite." We now believe that a document purporting to be the missing portion of the Book of Mormon has been located. Unfortunately, however, there seems to be concern that it is a forgery. It is apparently not the original document, only a handwritten copy. Furthermore, it is supposed to bear some evidence of being written after the Book of Mormon was printed. It is reported that it resembles (at least to some extent) the Book of Mormon story as we have it today but also contains information on money-digging—a practice Joseph Smith was involved in just before he wrote the Book of Mormon (see *Mormonism—Shadow or Reality?* pages 32-49D).

We cannot, of course, make any real judgment as to the authenticity of the manuscript until we have a chance to examine it. At the present time we are trying to track down the exact location of the document. If any of our readers have any information about the matter we would certainly appreciate it if they would contact us. We hope to print more on this matter in the future.

A TIGHT SPOT

The theft of the 116 pages placed Joseph Smith in a very embarrassing position. Arthur Budvarson observed:

This “Preface” of the 1830 Edition (omitted in later editions) explains how, “one hundred and sixteen pages” of the original translation were stolen by “designing persons.”

This afforded a remarkable opportunity for Joseph Smith to have proven to the world that the work was true. All he needed to do was to reproduce an exact copy of the stolen pages, then perhaps even the thieves would have been converted! (The stolen pages were written in longhand and any alterations could have been easily detected.)

But Joseph had failed to make a copy of his writings, so it was not possible for him to make an exact duplicate. In order to get around this, he says that God commanded him that he “should not translate the same over again . . .”

This one incident alone (the above “Preface” by the “Author”) furnishes positive proof that the Book of Mormon is not a God-given, angel-protected book! (*The Book of Mormon Examined*, La Mesa, California, 1959, pages 13-14)

The Mormon writer Sidney B. Sperry attempted to reply to Mr. Budvarson’s charges:

Now, there might be some logic to Mr. Budvarson’s allegations if Joseph Smith had translated the Book of Mormon in the mechanical fashion suggested by David Whitmer and dealt with in our previous chapter. But Joseph Smith did not simply read off a word-for-word translation dictated by a divine source. If the translation had been effected in that manner, he doubtless could have reproduced an “exact copy of the stolen pages” for the thieves who had purloined the manuscript. Since he did not make a mechanical translation, he was in the position of any translator who would find it impossible to reproduce exactly his original translation, amounting to one hundred and sixteen pages in longhand. Another translation could reproduce the sense of the original but would not duplicate it word for word. The Lord knew this, and therefore instructed the prophet to translate other plates that gave a somewhat parallel but more spiritual account than that contained in the hundred and sixteen pages of stolen material. Thus we see again how Mr. Budvarson’s case breaks down . . . he is making woefully extravagant claims. He is whistling in the dark in the dark cemetery of his alleged “proofs.” (*The Problems of the Book of Mormon*, page 196)

From Dr. Sperry’s statement it would appear that he missed the whole point of Joseph Smith’s “Preface” to the first edition of the Book of Mormon. The “Preface” indicates that Joseph Smith could “bring forth the same words again,” but that if he did his enemies would alter the words in the stolen manuscript so that they would “read contrary from that which I translated . . .”

Although the “Preface” concerning the lost “Book of Lehi” has been deleted, the *Doctrine and Covenants* still contains a revelation which plainly shows that Dr. Sperry was wrong concerning this matter:

Now, behold, I say unto you, that because you delivered up those writings . . . into the hands of a wicked man, you have lost them.

And you also lost your gift at the same time, and your mind became darkened. . . .

And, behold, Satan hath put it into their hearts to alter the words which you have caused to be written, or which you have translated, which have gone out of your hands. . . .

Behold, I say unto you, that you shall not translate again those words which have gone forth out of your hands;

For, behold, they shall not accomplish their evil designs in lying against those words. For, behold, if you should bring forth the same words they will say that you have lied and that you have pretended to translate, but that you have contradicted yourself.

And, behold, they will publish this, and Satan will harden the hearts of the people to stir them up to anger against you, that they will not believe my words. (*Doctrine and Covenants* 10:1, 2, 10, 30-32)

The revelation published in the *Doctrine and Covenants* and the “Preface” found in the first edition of the Book of Mormon both seem to teach exactly the opposite of what Dr. Sperry would have us believe.

M. T. Lamb devotes a great deal of space to this matter in *The Golden Bible*, pages 118-126. We do not have room to quote all of this material, but on page 119 this interesting comment appears:

The general belief was that she [Mrs. Harris] burned it. But the prophet Joseph evidently was afraid she had not, but had secretly hid it, for the purpose of entrapping him, should he ever attempt to reproduce the pages. If the work was really of God, the manuscript could be reproduced word for word without a mistake. If, however, Joseph inspired it himself, his memory would hardly be adequate to such a task, without numberless changes or verbal differences—and thus “give himself away,” since he loudly professed to be all the time aided “by the gift and power of God.”

LETTERS

Utah Lighthouse Ministry receives many letters from those who read our publications. While most are favorable, we do receive some that are critical. Below are extracts from some of the letters.

I appreciated receiving the slanted and false information concerning the Mormon Church. I do like your title, but it should be changed to more directly represent you. The new name should be Utah Lighthouse for the Blind because you certainly try to blind people from the truth.

Please keep me on the mailing list and let me know what other material you have available because I can read it in lieu of the funny papers and get a better laugh which is very healthful. (Letter from Texas)

Thank-you for having sent me your book while I was in Japan. It was instrumental in helping a girl who got saved out of the Church clear up some lingering doubts as well as help another Mormon girl come to Christ on August 11. Both are friends of mine and are Japanese.

The first girl . . . was saved in December. She needed to clear some things up before requesting to be excommunicated. The book was so overwhelming because its so thoroughly documented and that's what's needed. She used it to help write a witnessing letter that she sent out to over 50 of her friends telling why she left the Church.

_____ and I met with her friend _____ to tell her why _____ was leaving the Church and so we could witness to her. . . . After our 3rd meeting she renounced the Church and accepted Christ. Now _____ and _____ are happily rejoicing together now that they are sisters in the Lord.

I thank the Lord for having helped you do your excellent research in your books. It definitely is bringing forth fruit. John 4:36 . . . Please send me another copy of *Mormonism—Shadow or Reality?* . . . (Letter from Japan)

Every now and then I receive literature from you in the mail and I want it to stop!

I believe in Mormonism with every fiber of my being and I know for a fact that the Church of Jesus Christ of Latter-day Saints is the only true church on the face of this earth! . . . Your book real[ly] strengthened my testimony!

All I can say to you now is that I don't want any more of your literature to arrive in my mail box again.

I do not want the literature from the Sons and Daughters of Perdition in my house.

There is a law against those who repedely keep sending mail to someone who dosen't want it.

And I won't hesitate one second to take you to court. You may have been in contact with Mormons that won't fight. Well I'm not that way and you're no match for me! I can make you regret the day you ever heard of Mormonism and I won't hesitate to prove it.

Consider yourself warned! (Letter from Arizona)

I was raised a mormon all my life and three ago I accepted Jesus as my Lord and Savior.

I first became acquainted with your writings in an article in the *Moody Monthly* (June 1980). I noticed the magazine at a friend's house and the cover caught my eye . . . the Lord blessed me with a christian neighbor. . . . I started attending a Bible Study class and for the first time in my life I heard "God's Word." . . . when I saw the *Moody Monthly* and read your article and others who had been mormons just like myself I knew what I had to do.

I got down on my knees and prayed to receive Jesus into my heart. Such peace and joy I had never known. (Letter from California)

I was saved because of your ministry. I have a deep love for you both. I hope to support you more in the future. (Letter from Wyoming)

I'm 18 years old and technically a Mormon, though I havn't believed in it for about 4 years now. I was raised in a very active Mormon family . . . I was lucky enough to be born with a some what open mind and began to slowly realise the falsity of the Mormon church. Though I am attending Brigham Young University, it is for academic reasons, not religious.

I stumbled upon your book, "Mormonism—Shadow or Reality," and it was the answer to my prayers. At last a comprehensive, scholarly debunking of Mormonism . . . Thank-you for writing it, . . . (Letter from Utah)

Please send . . . “Mormonism: Shadow or Reality?” . . . Being in Cedar City—so largely Mormon, and being Mormon myself, I have found it necessary to research both sides of Mormonism. Thus far, your indepth research is so overwhelming! It has changed my life. (Letter from Utah)

We wish we had a Million to send you. We are so grateful for all your efforts. You have done and are doing more than anyone to reach our Mormon friends. We do pray for your safety & efforts. (Letter from Utah)

I am always delighted to read your newsletter—Your material was partly responsible for my total emotional detachment from Mormonism, after I was saved. . . . Thank you for pointing it out for what it really was. I hope this small gift will help your cause in the lawsuit. . . . I look forward to hearing all about your court victories in a future newsletter. (Letter from Arkansas)

I want you to know that your ministry has been a major influence on my life! All for the better. Praise God and thank you. My father is on the high counsel and my whole family is Mormon. . . . I saw Sandra on John Ankerburg—What an impact. I love you guys you helped set me free! free indeed! We ordered *Mormonism—Shadow or Reality?* WOW. Then after reading some of that we ordered seven more in faith for my family. You have such an important ministry, . . . You sell those books so cheap and I wanted to be a small part of your ministry with this offering . . . and a big part with prayer. . . . we are now in the process of selling our possessions and preparing ourselves to be full-time missionaries. . . . We feel you are a part of our lives and ministry. You are a big part of why we’re going. . . . we love you. (Letter from Colorado)

I very very rarely correspond with publishers, editors, etc. concerning their work, but in your case I felt it was quite necessary not only to commend your work but to encourage its furtherance. . . .

In an effort to learn more about the Mormon church in order to effectively share Jesus with my wife’s friend, we began searching for sources in the University of Arizona Library, . . . and came across some fascinating materials. One such item was your *Mormon Scriptures*

and the Bible, . . . Last week I read your *Mormonism Like Watergate?* Not only have these books opened my eyes to many facts about the Mormon church I did not know, but my own faith in the reality of Jesus has been strengthened.

One evening several weeks ago my wife . . . came home with your names as the definitive authorities on Mormon doctrine. I shared with her that I had been reading some of your work and was so impressed that I felt we should give a copy of one of your books to her Mormon friend. My wife said that she had met someone who had given her the name of a book which she felt would be better to give to a Mormon. To my amazement the book my wife had been referred to was *Mormonism—Shadow or Reality?* the same book I was recommending . . . Anyway, we have been so blessed and educated by your works that we would like to add as many as possible to our own resource library . . . you are in our prayers as we know the Mormon people are in yours. Be encouraged as you carry on with what God has called you to. (Letter from Arizona)

I read your book [*Mormonism—Shadow or Reality?*] . . . and “astonishment” is the only word I can find to describe what I felt. My astonishment was due to a very simple reason: I had never read such an excellent work about Mormonism and I didn’t even suspect that such a thing could have been written. . . .

Some characteristics of your book caused me a very strong impression:

1. the avalanche of documents you quote and reproduce to prove your point;
2. the hability [*sic*] you show in dealing with all this material;
3. the scholarly way you treat every subject;
4. the honesty, rightness and inescapability of your conclusions;
5. the exegetical skill in the use of biblical texts to demonstrate, beyond any reasonable doubt, the fallacy of Mormon doctrines and claims;
6. the total absence, throughout the whole book, of defamatory and abusive language, imprecation, cursing and the like so commonly found in works of this sort.

The result, I tell you without any favour or flattering intention, is “a marvelous work and a wonder.” . . . It is to be lamented that a book like “Mormonism—Shadow or Reality” cannot be found in Portuguese. . . . What possibilities do you see of having one of your books translated into Portuguese? (I offer my services as a translator without charges, fees or costs of any kind). (Letter from Brazil)

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