
MORONI OR SALAMANDER?

Reported Find of Letter by Book of Mormon Witness

For a month or two there have been rumors circulating that an extremely important letter written by Book of Mormon witness Martin Harris has been discovered. Although there has been an attempt to keep the matter quiet until the document has been published, we have been able to piece together the story and to learn of the remarkable contents of this letter. The document was apparently purchased by Mark Hofmann, a Mormon scholar who has made a number of significant discoveries in the last few years. Mr. Hofmann in turn sold the document to Steven Christensen, who is planning to publish it in *Sunstone*. (The mailing address for *Sunstone* is Box 2272, Salt Lake City, Utah 84110.)

Is It Authentic?

At the outset we should state that we have some reservations concerning the authenticity of the letter, and at the present time we are not prepared to say that it was actually penned by Martin Harris. The serious implications of this whole matter, however, cry out for discussion. If the letter is authentic, it is one of the greatest evidences against the divine origin of the Book of Mormon. If, on the other hand, it is a forgery, it needs to be exposed as such so that millions of people will not be misled. We will give the reasons for our skepticism as we proceed with this article.

Since Martin Harris was one of the three special witnesses to the gold plates of the Book of Mormon (see his testimony in the front of the book), he is held in high esteem by the Mormon people. Mormon writers have commended him for his honesty. Although many Mormon critics may disagree with this view, everyone agrees that Harris played such an important role in early Mormonism that anything coming from his pen is of great significance. In this letter, written just after the Book of Mormon was published, we find these revealing statements concerning how Joseph Smith obtained the gold plates from which the Book of Mormon was translated:

... I found it 4 years ago with my stone but only got it because of the enchantment the old spirit come to me 3



“A Salamander: Alive in the Flames”

From Kurt Seligmann's *The History of Magic*

times in the same dream & says dig up the gold but when I take it up the next morning the spirit transfigured himself from a white salamander in the bottom of the hole . . . (Letter purported to have been written by Martin Harris to W. W. Phelps, dated October 23, 1830, typed extract)

The letter goes on to state that the “old spirit” struck Joseph Smith three times. This story definitely links Joseph Smith to the magical practices attributed to him in the affidavits published in E. D. Howe’s book in 1834. For instance, Willard Chase testified:

In the month of June, 1827, Joseph Smith, Sen., related to me the following story: “That some years ago, a spirit had appeared to Joseph his son, in a vision, and informed him that in a certain place there was a record on plates of gold, . . . He repaired to the place of deposit and demanded the book, which was in a stone box, . . . He saw in the box something like a toad, which soon assumed the appearance of a man, and struck him on the side of his head. Not being discouraged at trifles, he again stooped down and strove to take the book, when the spirit struck him again, and knocked him three or four rods, and hurt him prodigiously. (*Mormonism Unveiled*, page 242)

The reader will notice that in the statements reported to have come from Joseph Smith’s father, the spirit

which struck Joseph was transformed from “something like a toad.” The letter, of course, says that Joseph Smith identified the toad-like creature as a “white salamander.” Salamanders were important to those who practiced magic and dug for buried treasures in Joseph Smith’s time. *Webster’s New Twentieth Century Dictionary of the English Language* (Unabridged) gives this information about salamanders: “1. A mythological reptile resembling the lizard supposed to be able to endure or live in fire. 2. A spirit supposed to live in fire; an elemental spirit in Paracelsus’ theory of elementals.” In his book, *The History of Magic*, page 77, Kurt Seligmann reported:

Agrippa, basing his opinion on Aristotle, Dioscorides and Pliny the Elder, said that fire shelters salamanders and crickets. A simple experiment would have proven that salamanders and crickets die in fire, but Agrippa shared with the past an aversion to experimentation. From Pliny we learn that similar beliefs concerning the marvelous virtues of salamanders existed in Egypt and Babylon. . . . Thus did a superstitious belief perpetuate itself for about two thousand years.

Joseph Ennemoser said that “Paracelsus deserves one of the most eminent places in the history of magic.” Paracelsus, who was born in 1493, wrote a book entitled, *A Book on Nymphs, Sylphs, Pygmies, and Salamanders, and on the Other Spirits*. Henry E. Sigerist wrote the following in an introduction to this book:

Such strange creatures are the mysterious beings—Paracelsus usually calls them ding, things—that inhabit the four elements, the nymphs, sylphs, pygmies and salamanders and, related to them, the sirens, giants and dwarfs. . . . water is chaos to the nymphs, earth to the pygmies, fire to the salamanders, while the sylphs have the same chaos as man. They are at home in their chaos and, therefore, nymphs do not drown in water, pygmies are not choked in earth and salamanders do not burn in fire. This seems incredible but God is almighty. Why should he not be able to create such beings? . . . God created them for a special purpose—and here Paracelsus is writing as a theologian and scientist. God created these elemental beings as makers and guardians of the treasures of the earth. There is an infinite wealth of minerals in the earth. They are made in the depths of mountains under the influence of fire, and this is where the salamanders come in. Once the mineral ores are made they are guarded, those in the earth by the pygmies, those on the surface by the sylphs, and those at the bottom of the waters by the nymphs. (*Four Treatises of Theophrastus Von Hohenheim, Called Paracelsus*, Baltimore, 1941, pages 216-220)

Since the gold plates of the Book of Mormon were considered to be a very valuable treasure, we can see why a believer in magic might choose to have a salamander guarding them.

According to the letter, Joseph Smith said he found the gold plates “4 years ago with my stone.” This statement seems to represent Martin Harris’ belief, for in an interview published in *Tiffany’s Monthly* about thirty years after the letter was supposed to have been written, Harris maintained that Joseph Smith found the plates by looking in a magical peep stone and that he also used the same stone to help a company of money-diggers search for buried treasure:

In this stone he could see many things to my certain knowledge. It was by means of this stone he first discovered these plates. . . .

Joseph had had this stone for some time. There was a company there in that neighborhood, who were digging for money supposed to have been hidden by the ancients. . . . They dug for money in Palmyra, Manchester, also in Pennsylvania and other places. When Joseph found this stone, there was a company digging in Harmony, Pa., and they took Joseph to look in the stone for them, and he did so for a while, and then he told them the enchantment was so strong that he could not see, and they gave it up. . . .

The money-diggers claimed that they had as much right to the plates as Joseph had, as they were in company together. They claimed that Joseph had been traitor, and had appropriated to himself that which belonged to them. . . . Joseph had before this described the manner of his finding the plates. He found them by looking in the stone found in the well of Mason Chase. (Interview with Martin Harris, published in *Tiffany’s Monthly*, 1859, pages 163, 164, 167 and 169)

In *Mormonism—Shadow or Reality?* pages 32-38, we show that Joseph Smith got in serious trouble because he used this stone to help the money-diggers. On page 33 of that book we have a photograph of a document written by Justice Albert Neely. This document proves that Smith was a “glass looker” and that he was arrested, tried and found guilty by Justice Neely in Bainbridge, New York, in 1826.

In an affidavit published on pages 237-239 of Howe’s book, William Stafford gives this information concerning the Smith family:

. . . I have heard them tell marvelous tales, respecting the discoveries they had made in their peculiar occupation of money digging. They would say, . . . in such a hill, on a certain man’s farm, there were deposited keys, barrels and hogsheds of coined silver and gold—bars of gold, golden images, brass kettles filled with gold and silver . . .

Joseph Smith, Sen., came to me one night, and told me, that Joseph Jr. had been looking in his glass, and had seen, not many rods from his house, two or three kegs of gold and silver, some feet under the surface of the earth; . . . After we had dug a trench about five feet in depth, . . . the old man . . . went to the house to inquire of young Joseph . . . Joseph had remained all this time in the house, looking in his stone and watching the motion of the evil spirit—that he saw the spirit come up . . . it caused the money to sink.

The letter which was supposed to have been written by Martin Harris also mentions the “kettles” containing treasures and the spirits who are in charge of the treasures: “. . . Joseph [Sr.?] often sees Spirits here with great kettles of coin money it was the Spirits who brough[t] up rock because Joseph made no attempt on their money . . .”

Just An Old Spirit

In *Mormonism—Shadow or Reality?* pages 136-137, we discussed the problem over the name of the angel who was supposed to have revealed the gold plates to Joseph Smith. In Joseph Smith’s *History*, first published in the *Times and Seasons* in 1842, Smith gave the name of the Angel as NEPHI. The 1851 edition of the *Pearl of Great Price* also used the name Nephi: “He called me by name and said . . . that his name was Nephi” (page 41). Modern editions of the *Pearl of Great Price* and other Church publications now give the name as MORONI. The letter attributed to Martin Harris not only fails to give the name of the Angel, but it also omits the word “Angel” altogether! The personage who takes the form of a “white salamander” is only referred to as an “old spirit.” The letter gives far more support to the views which appear in a series of articles published in the *Palmyra Reflector* in 1831 than it does to the story now published by the Mormon Church. The following appears in one of the articles:

. . . the elder Smith declared that his son Joe had seen the spirit, (which he then described as a little old man with a long beard,) and was informed that he (Jo) under certain circumstances, eventually should obtain great treasures, and that in due time he (the spirit) would furnish him (Jo) with a book, which would give an account of the ancient inhabitants . . . (*Palmyra Reflector*, as cited in *A New Witness For Christ In America*, vol. 1, page 289)

On page 291 of the same book, we find the following taken from the *Reflector*:

It is well known that Joe Smith never pretended to have any communion with angels, until a long period after the pretended finding of his book, and that the

juggling of himself or father went no further than the pretended faculty of seeing wonders in a “peep stone,” and the occasional interview with the spirit, supposed to have the custody of hidden treasures . . .

Alvin’s Remains?

In his affidavit, Willard Chase gave this information concerning what occurred after the spirit struck Joseph Smith:

. . . he enquired why he could not obtain the plates; to which the spirit made reply, because you have not obeyed your orders. He then enquired when he could have them, and was answered thus: come one year from this day, and bring with you your oldest brother, and you shall have them. This spirit, he said was the spirit of the prophet who wrote this book, . . . Before the expiration of the year, his oldest brother died; which the old man said was an accidental providence!

Joseph went one year from that day, to demand the book, and the spirit enquired for his brother, and he said that he was dead. The spirit then commanded him to come again, in just one year . . . (*Mormonism Unveiled*, pages 242-243)

This account is very similar to an account written by a faithful Mormon named Joseph Knight:

Joseph says, “when can I have it?” The answer was the 22nd Day of September next if you Bring the right person with you. Joseph says, “who is the right Person?” The answer was “your oldest Brother.”

But before September Came his oldest Brother Died . . . he went to the place and the personage appeared and told him he Could not have it now. But the 22nd Day of September nex . . . if he Brot with him the right person. Joseph says, “who is the right Person?” The answer was you will know. Then he looked in his glass and found it was Emma Hale, . . . (*Brigham Young University Studies*, Autumn 1976, page 31)

In the letter purported to have been written by Martin Harris we find the same story. The letter has an additional element, however. After Joseph Smith tells the “old spirit” that his brother Alvin has died, there is a comment made about bringing what remains. If this refers to Alvin’s corpse, then it adds a very spooky element to the story. Graves and human remains are, of course, very important to some of those who use seer stones and practice magic. In this regard, it is interesting to note that there was a rumor that Alvin’s body had been disinterred. On September 29, 1824, just one week after Joseph Smith was supposed to have been visited by the Angel at the Hill Cumorah, his father printed the following in the *Wayne Sentinel*, the local newspaper:

WHEREAS reports have been industriously put in circulation that my son Alvin had been removed from the place of his interment and dissected, which reports, . . . are peculiarly calculated to harrow up the mind of a parent and deeply wound the feelings of relations—therefore, for the purpose of ascertaining the truth of such reports, I, with some of my neighbors, this morning [September 25] repaired to the grave, and removing the earth, found the body which had not been disturbed. (*Wayne Sentinel*, September 29, 1824)

A Puzzling Find

Since we have been deeply involved in research having to do with the relationship of Mormonism to magic and have written a book entitled, *Mormonism, Magic and Masonry*, we were delighted to get the report that Martin Harris had written a letter relating to the subject. As we learned of the contents, we felt that it would provide additional evidence to support our thesis. Some time later, we were told of another letter, written by W. W. Phelps, which seemed to prove the authenticity of the letter attributed to Harris. This letter is printed in Howe's book, pages 273-274. In the letter, Phelps tells of Martin Harris' statements concerning the Book of Mormon. There are some remarkable parallels between the two letters. Both letters refer to the Urim and Thummim as "silver spectacles." Both accounts tell of Martin Harris taking a copy of the Book of Mormon characters to "Utica, Albany and New York," and both talk of the Book of Mormon language as "shorthand Egyptian." Since Phelps' letter is dated January 15, 1831, (less than three months after the letter which was reported to have been written by Harris), it seemed safe to conclude that Phelps used the Harris letter in preparing his own. In all fairness, however, we made another discovery which we feel we must report. Just two pages after Phelps letter, we found a statement written by E. D. Howe which is strangely similar to the "Harris" letter. The reader will remember that the letter said, "the spirit transfigured himself from a white salamander in the bottom of the hole." E. D. Howe's statement reads as follows ". . . looked into the hole, where he saw a toad, which immediately transformed itself into a spirit, . . ." Notice that both accounts use the words "the hole" as well as "spirit," and the words "transfigured himself" resemble "transformed itself." Howe's statement appears to be his own summary of the Willard Chase affidavit which we have already cited: "He saw in the box something like a toad, which soon assumed the appearance of a man, . . ."

That Howe's statement (*Mormonism Unveiled*, page 276) is so much like the one in the "Harris" letter is a little disturbing. Even more disconcerting, however, is

the fact that it appears just two pages from a letter by W. W. Phelps which also bears remarkable parallels. This, of course, might all be a coincidence, and if it can be established that the letter was actually penned before Howe's book was published in 1834, it will probably be accepted as a genuine letter. As we understand it, the Church's handwriting expert, Dean Jessee, feels that the signature was penned by Martin Harris, but so far no tests on the paper have been completed. We feel that the letter should be made available to other handwriting experts, and that the public should be informed where the letter was originally obtained. We have heard that there is a red postal mark on the original letter and that the amount of postage is correct for a letter from Palmyra to Canandaigua. Although the average person would have a difficult time forging these things, there are probably a number of people who could do the job. In an interview with *Sunstone Review*, September 1982, page 16, Mark Hofmann made these comments concerning forgeries:

There have been all kinds of Lincoln forgeries . . . To date that hasn't been a real problem with Mormon documents. Now, however, with the publicity that's been given the tremendous amount of money to be realized (for example, the *Trib* mentioned a \$30,000 figure for the Lucy Mack Smith letter), there may be some temptation to forge.

Although a great deal of the contents of the "Harris" letter can also be found in Howe's book, there are some portions that resemble other writings. For instance, the letter relates a conversation Joseph had with the "old spirit": ". . . Joseph says when can I have it . . ." This is identical to Joseph Knight's statement published in *BYU Studies*, Autumn 1976, page 31: "Joseph says, 'when can I have it?'"

While we would really like to believe that the letter attributed to Harris is authentic, we do not feel that we can endorse it until further evidence comes forth. If any of our readers have any information about the matter we would appreciate hearing about it. We understand that an article concerning the subject will be published in *Time* magazine.

AT LAST!

An Index to Mormonism—Shadow or Reality?

Although *Mormonism—Shadow or Reality?* is our most important work, we have never taken the time to prepare an index. Fortunately, Michael Briggs has seen the need and has prepared a 38 page index. This should be a great help to our readers. Price \$2.00 (Mail orders add 10%)

COVER-UP ON LAWSUIT

As we have indicated in previous issues of the *Messenger*, 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. In 1979-80 Mr. Ehat gained access to a copy of the diaries and made the revealing extracts. Ehat tried very hard to keep the material from falling into the hands of critics of the Mormon 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 the suit is doomed to failure. 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 (i.e., the diaries of William Clayton), he cannot claim copyright protection.

False Testimony

In the *Messenger* for November 1983 we indicated that "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 have now taken the depositions of a number of Mormon scholars. These depositions clearly show that Mr. Ehat covered up the truth concerning how he obtained his material.

In his complaint against us, Mr. Ehat indicated that he "was given permissive access to the private, heretofore-unpublished Nauvoo Journals of one William Clayton then deposited with the Office of the First Presidency . . . from which he permissively extracted certain notes, quotes and extracts. . . . From said notes plaintiff, in collaboration with one Lyndon W. Cook, produced a book titled *The Words of Joseph Smith*, the proprietary interest and copyright

interest of which was assigned . . . to the Religious Studies Center, an agency of Brigham Young University, . . . At no time has the plaintiff given the defendants, or either of them, any permission to publish or print any notes taken by him from the William Clayton Journal."

We have always felt that Ehat had an extremely weak case. The depositions tend to support our position. Before citing these depositions we should say that they were provided by the Certified Shorthand Reporters and are subject to corrections before being filed with the court. In his deposition, James B. Allen, formerly Assistant Church Historian, revealed that the material which Ehat printed in *The Words of Joseph Smith* came directly from him. This amounted to 12 of the 88 pages we published in *Clayton's Secret Writings Uncovered*. Allen made it very clear that he had personally typed these pages and claimed that "I had kind of a moral obligation not to indiscriminately let my notes out. . . . I asked Mr. Ehat specifically . . . that when you put this in your book, *The Words of Joseph Smith*, please cite me as the source because I don't want any questions about anything. . . . I said, cite me as the source because I've had legitimate access and everyone knows I've had legitimate access to the diaries" (*Deposition of James B. Allen*, Civil No. C-83-1593C, page 29).

As we indicated in a previous issue of the *Messenger*, Ehat did include a footnote thanking Allen for the material. In his deposition he admitted that the pages were actually typed by James B. Allen. While this seems to destroy his copyright claim on the quotations in *The Words of Joseph Smith*, he still maintains that he has a copyright on the other 76 pages. When we questioned Ehat as to how he got these pages, he replied:

In doing research in early LDS history in 1979 plaintiff approached Don Schmidt, Church Archivist, and inquired about some entries in William Clayton's Journal in which he was interested. He ultimately received permission to read all three of the journals noted above. While reading he made notes of the dates of the journal entries in which he was primarily concerned. In 1979 and 1980 he was given permission to type out from a complete reproduction (a typescript) of those three diaries the extracts that he had earlier noted. (*Andrew Ehat's Answers to Interrogatories*, November 21, 1983, pages 3-4)

It is plain from this that Mr. Ehat's extracts came from a typed copy rather than the original diaries. In taking Ehat's deposition, our lawyer, Brian Bernard, asked him

who had given him permission to see the typescript. Ehat replied that it was Donald Schmidt (mistakenly recorded as Smith), the Church Archivist:

Q. Who gave you the permission to see that typescript copy? Did Don Smith do that?

A. Yes.

Q. Okay. Was anybody else involved in giving you permission to see that typescript that you're aware of?

A. No, not that I'm aware of. (*Deposition of Andrew Ehat*, page 43)

After this testimony was given, we subpoenaed Donald Schmidt. The Church's lawyers fought the matter and filed a motion to quash the subpoena. They apparently realized, however, that we would win and withdrew their objection. In his testimony, Schmidt not only denied that he had given Ehat access to a typescript, but he claimed that he was not even aware of a typescript of the Clayton diaries:

Q. He's indicated in his deposition that after that time he had access to a type script of the Clayton Journals and that he acquired access to that type script from you.

A. From me?

....

MR. BARNARD. Okay. Prior to 1979, had you heard that there was a type script of those volumes of the Clayton Journals?

A. No.

Q. The deposition of Andrew Ehat, page 43, indicates that Andrew Ehat was given permission by you to see a type script copy. You have no recollection of that?

A. Not of those diaries. It is possible that he is confused with some type script which we have of other Clayton material.

Q. And to your knowledge there is no type script of those three volumes?

A. I'm not aware of any type script other than very recently. (*Deposition of Donald Schmidt*, pages 20-23)

The Church's lawyer Bruce Findley indicated that he was the first one to tell Mr. Schmidt about the typescript: "I might interject I think he heard it from me in connection with this case" (*Ibid.*, page 21).

We took the deposition of Professor Richard L. Anderson of Brigham Young University. Anderson had examined the original diaries, but was also unaware of a typescript. The truth about the typescript finally came out when we were taking the testimony of James B. Allen:

Q. Okay. Are you aware of any type script of those journals?

A. Well—.

Q. A verbatim type script of those three journals?

A. Yes, I'm aware of a verbatim type script of the journals.

Q. Okay. And when was the first time you were aware of that?

A. When I made one.

Q. The type script that Andy Ehat had access to he described as being approximately 300 pages long of double-spaced typing.

A. Mine could possibly fit into that category, yes.

....

MR. BARNARD. Did Andy Ehat ever have access to that type script?

A. Andy Ehat did not have access to that type script and I do not think Andy Ehat knew I was preparing the type script. . . . and certainly he did not have access to it. . . . when I left at night I locked the material I was making in my own desk and put the key in my pocket and went home. So I don't know of any way that Andy could have had access to my type script.

....

MR. BARNARD. Did you tell Don Schmidt?

A. I did not tell Don Schmidt although I'm sure Don Schmidt was aware that I was taking very extensive notes but I considered what I was taking to be my own particular scholarly property and that is the way it remained. (*Deposition of James B. Allen*, pages 20, 22, 24 and 25)

Dr. Allen admitted that there was one other person who had helped prepare the transcript and had a copy of it, but he did not want to reveal the name. The lawyer from Brigham Young University, in fact, instructed him not to tell who the other person was:

MR. BARNARD. Well I'm going to flat out ask you who that person was.

MISS PARK. I'll instruct him not to answer.

MR. BARNARD. Okay. You're going to take your attorney's advice and not answer that question?

A. Yes.

Q. Do you know if that person has made any distribution of copies of those, copies of the copy that you gave to that person?

A. To my knowledge he has not and my firm assumption is that he is the kind of person that would not have but I do not have personal knowledge. That is a strong assumption on my part.

Q. Do you know if that person has let anybody else see your type script?

A. I do not believe he has but again, I do not have sure knowledge of it. (*Ibid.*, pages 27-28)

We already suspected that the person who had the other copy was Dean Jessee, a noted Mormon scholar. In Scott Faulring's deposition, he testified that when Ehat first found that his notes had been duplicated he went into "a rage" and mentioned the names of different people who would get in trouble if the notes fell into the hands of critics of the Church:

A. I don't recall his exact words, whether he said it could destroy the Church; but the essence of what he was saying was that. That, "Oh, if the antis get hold of this 'X,' 'X,' and all those guys are going to be shot," or something.

Q. Who was it that he mentioned. . . .

A. He mentioned James Allen and Lyndon Cook, and I think I even heard Dean Jessee's name. (*Deposition of Scott Faulring*, page 70)

When James B. Allen was asked if he had any reason to know why Dean Jessee would be in trouble if the Clayton extracts were distributed, he replied:

Only if Dean Jessee were the person I refused to name a little while ago and that would only be for the same reason that I said in terms of his own feelings. (*Deposition of James B. Allen*, page 46)

Finally, after a great deal of discussion, Dr. Allen was backed into a corner and had to identify "Dean Jessee" as the man. He went on to state: ". . . Dean is a good friend I didn't want him being identified without my having told him . . . but I also, am not going to perjure myself in any way . . ." (*Ibid.*, page 64). We were sorry to see Allen in such a difficult predicament, and we must say that we were very impressed with the honesty of his answers and the way he handled himself during his testimony.

As a result of Allen's testimony we found it necessary to subpoena Dean Jessee. Mr. Jessee testified that Ehat wanted access to the typescript "to check some dates on some information that he didn't have and wanted to double-check or whatever. And so he used it in that setting" (*Deposition of Dean Jessee*, page 26). On the same page, Jessee stated: "I don't know what all his eyes looked at because I wasn't right there with him." Mr. Ehat now finds himself in a real dilemma. In his *Answers to Interrogatories*, he has sworn that he did not use material from Jessee: "9. In preparing your notes . . . did you use or have access to any notes or other writings regarding or taken from the William Clayton diaries by (a) Lyndon Cook, (b) Dean Jessee, . . . ANSWER: (a) no, (b) no, . . ."

If Mr. Ehat did not copy the material from Jessee's copy of the transcript, then the only other alternative would be that it was purloined from Allen.

The reader will remember that in his deposition, Ehat testified he got permission from Donald Schmidt to use the typescript, and when he was asked if anyone else was involved in giving him permission, he replied: "No." One can only speculate as to why Ehat would go to such lengths to cover up the involvement of Jessee. Since Jessee was not the Archivist and had no real authority to show him Church documents, it is obvious that it would be better to say that Schmidt gave him permission.

However this may be, James B. Allen claimed on page 25 of his deposition that the typescript was "my own particular scholarly property." Although he apparently made the typescript on his own authority, he claims that he was given special permission by the First Presidency of the Mormon Church to use the diaries for a biography of William Clayton and that it was his understanding that other scholars were not allowed to use them. He claimed, in fact, that he was "miffed" when he learned Ehat had material beyond the 12 pages he had supplied him with:

A. . . . I do remember asking Don questions like where did he get it . . . I remember my concerns at the time as I talked with other people was where did Andy that get access to this material. . . . I remember talking with several people, Don Schmidt and other people up in the Historical Department and people at BYU like Noel Reynolds and others and I was miffed. I didn't know where he got access to it and that was the nature of the conversations I had with anyone.

Q. After the notes were taken from Cook and distributed and you described yourself as being miffed, were you miffed because you discovered the extent of Ehat's notes?

A. Yes, I think so. It was a surprise to me to know that he had that much verbatim material from the Clayton Diaries. I knew he had what I gave him and I, of course, knew he had things from here and there but I was not aware that he had that much from the Clayton Journals and that is why I was miffed, if that is the proper word. Surprised.

Q. And I take it from your previous testimony that the reason you were surprised or miffed was because you thought you had been given some sort of special permission or exclusive permission to have access to those diaries?

A. That's correct.

Q. Have you ever told anybody that the Clayton Diaries were not available for others to do research in?

A. I assume that I have because that was my understanding. (*Deposition of Allen*, pages 79-82)

After the Ehat notes got out, the President of Brigham Young University appointed Noel Reynolds to investigate the situation. One of Reynold's concerns was whether Ehat had obtained the material surreptitiously. When Allen was asked if anyone had inquired how Ehat procured the material, he said: ". . . I believe that Noel Reynolds asked me specifically as part of his efforts to find out." In compliance with a subpoena, Noel Reynolds turned over to us a note he had written concerning a conversation he had with a BYU professor who had obtained a copy of Ehat's notes. We find the following in this note: "I began by explaining . . . the nature of the charge made against him by Andy Ehat, that is, that he had received and retained research materials which were stolen from a doctoral candidate. He indicated immediately 1) the concern that Andy may not have acquired the materials legitimately himself, . . ." When we questioned this professor concerning the matter, he said that it was his understanding that Ehat would not tell BYU officials where he had obtained the Clayton material.

While we feel that Ehat never had a case to begin with, the cover-up and false statements made concerning the way he obtained the Clayton material tend to make the whole matter absolutely ridiculous. Ehat accused us of causing him "irreparable damage" because we used his scholarly work product.

The truth of the matter, however, is that he never even made the transcription from the handwritten diaries. Instead, he relied upon the Allen-Jessee transcript which Dr. Allen calls "my own particular scholarly property." This, of course, was done without Allen's permission or knowledge.

Fortunately, the fact that the material which Ehat obtained did not come directly from the diaries does not invalidate its authenticity. Former Assistant Church Historian James B. Allen has checked our publication, *Clayton's Secret Writings Uncovered*, and found that it is an accurate reproduction of the original diaries:

I can stipulate this: That whatever I have obviously, in the copy that I made, and the material that the Tanners published is just almost verbatim. There is little, tiny differences here and there but almost verbatim of that . . . (*Deposition of James B. Allen*, page 27)

In examining our records we find that over \$9,000 has either been deposited with our lawyer or used to provide transportation for a witness. Fortunately, our friends have responded in a very generous way and most of this amount has been contributed. We really thank God for this show of support. So far we have no reason to believe that Ehat is planning on dropping this unjust suit. Our lawyer has filed a motion for dismissal, but if the judge does not grant this request, the case will go into court and expenses will continue to mount. We feel very confident that we will prevail in the end, and even though it costs a great deal of money it will be worth it. In addition to the legal expenses we have been faced with, we have spent countless hours working on this suit. We hope that some of our readers will consider contributing at this time so that we will meet all of our legal expenses and have enough left over to publish the truth about the matter to the world. All checks which are made out to UTAH LIGHTHOUSE MINISTRY are tax-deductible. Our readers will notice also that we are still selling *Clayton's Secret Writings Uncovered* for only \$3.00 a copy (mail orders please add 10% for postage and handling).

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