

David H. Morris

# The David H. Morris Collection

*Ronald W. Walker and Richard E. Turley Jr.*

David H. Morris (1858–1937) was a St. George, Utah, attorney and judge who had professional, geographical, and family ties to the massacre.<sup>1</sup> He lived less than an hour's automobile drive from the Meadows, and he and his family knew men who had a role in the killing.

Some of Morris's documents were affidavits sworn before him while he served as a notary public. He may have learned about other documents while taking affidavits from long-time residents seeking pensions for their service in territorial Utah's Black Hawk War, a series of skirmishes between settlers and Indians that took place during the 1860s. After doing his official business, Morris would ask the old-timers privately about what had happened at the Meadows.<sup>2</sup> Because Morris said little about his purposes, many details about his collection are likely to remain a mystery.<sup>3</sup>

But he said enough to get the attention of Juanita Brooks, a talented local historian who wanted to write a history of the massacre. At Morris's invitation, Brooks stopped by his home several times in an effort to inspect his documents, only to get excuses about Morris's poor health or the awkwardness of speaking about the atrocity in front of his family. Each time, she came away empty-handed.<sup>4</sup>

Morris died on August 24, 1937.<sup>5</sup> "Papa Morris had never thrown anything away," remembered Helen Forsha Hafen, his foster daughter, who with his other children had the task of going through his papers. It was not just the quantity of the material but their sensitivity that caught her attention—things such as documents dealing with Mountain Meadows. She spread the latter material on the kitchen table. "My hell, we're not supposed to read these," said her cowpuncher husband, Paul. The concerned couple decided to seek the advice of Orval Hafen, Paul's cousin and the

attorney for the Morris estate. Orval was a descendant of Samuel Knight, one of the perpetrators of the massacre and writer of one of the affidavits in Morris's files.<sup>6</sup>

Orval Hafen was cautious and lawyerly. He took the documents to a local judge, who said the material lay outside Morris's estate and suggested that Helen "personally deliver them to the First Presidency of the Church," meaning The Church of Jesus Christ of Latter-day Saints. Helen and Paul were soon on the road to Salt Lake City. "I wanted to get rid of them," Helen said of the documents.<sup>7</sup>

It was raining when they got to Church headquarters, and she and her husband were in a hurry to get back to St. George. Paul decided to drive around the block while Helen ran into the building and dropped off the material directly to a member of the First Presidency—she wanted to fulfill her instructions to the letter. For thirty minutes she waited in an anteroom before finally agreeing to give the documents instead to Joseph Anderson, secretary to the First Presidency.<sup>8</sup>

She immediately regretted her decision, feeling she had fallen short of her instructions. "I was so upset. I was bawling," Helen remembered. Retreating to the south portico of the Hotel Utah (now the Joseph Smith Memorial Building) on South Temple Street, she saw David O. McKay, a counselor in the First Presidency, walk by. She ran after him and then, "sputtering, gasping and breathless," did her best to tell him what had happened. The Church leader drew her under his umbrella. "My dear girl," he said, "don't you worry another minute about it. You've done the right thing, and the first thing in the morning, when I go to the office, I will look those [documents] up and see that they are taken care of."<sup>9</sup>

### **Juanita Brooks and the Morris Collection**

Helen's relief was historian Juanita Brooks's distress. Brooks felt that important documents were slipping from her grasp, and she made up her mind to see the Morris material. First, she attempted to speak directly with David O. McKay. When that plan failed, she wanted Helen to write a letter to the First Presidency asking that Brooks be given access. Helen remembered Brooks's persistence. She came to her house as early as 6:00 a.m. "Just tell her to get the hell out of here. You're not going to do it," Paul advised his wife. Helen, however, wanted a second opinion. She consulted her friend Harold Snow, who served as president of the St. George temple. Snow advised Hafen not to write the letter, though he didn't want Brooks to know what he had said.<sup>10</sup>

Hafen never wrote the letter, and a breach opened between the women that never healed. Hafen and Brooks had known each other for years. Most recently, they had worked together in the local women's Relief Society. Brooks was president of the stake organization, while Hafen served as president on the ward level. Hafen said Brooks never spoke to her again.<sup>11</sup>

Brooks tried to get others to write letters in her behalf, one from her local Church leader certifying her good standing and another from the Huntington Library in San Marino, California, under whose auspices she gathered manuscripts. Writing her boss, Robert Glass Cleland, she asked if the library would be willing to send a letter saying that the Huntington was supporting her massacre research. She also wanted the Huntington to say that the Rockefeller Foundation was behind her work. The foundation was providing the Huntington some funds for her manuscript hunting.<sup>12</sup>

"In Utah," Brooks wrote Cleland, "California is considered just another state and there is a hint of rivalry or jealousy toward her, while the Rockefeller Foundation carries a connotation of national importance. It is only a detail, as I said before, but in this particular undertaking every detail is important. And I MUST get those accounts written by men who actually participated in that thing."<sup>13</sup>

In the fall of 1945, Brooks wrote a letter to Church President George Albert Smith, who had assumed his office just a few months earlier. Brooks did her best to make the most of her thin institutional résumé, but she also presented some good public relations logic. Her work on the massacre had the support of "a Fellowship from the Rockefeller Institute through the Huntington Library," she explained. She also warned of a rival manuscript by an unnamed "rabid anti-Mormon"—probably Charles Kelly, whose profile generally fit Brooks's description but who, as it turned out, was not an immediate threat. He had not gotten much beyond spotty research and writing. In contrast to what a rival might produce, Brooks promised to put the best possible face on the massacre and provide good timing. "As in anything else, it is good to get there with the first blow," she wrote President Smith. "An 'answer' is never so effective."<sup>14</sup>

Known for his warmth and generosity, George Albert Smith received Brooks in his office and heard her out. He told Brooks he would rather not have the massacre "stirred up" but kindly listened as she explained why she wanted to write about it. As for the Morris material, he knew nothing about it and referred her back to McKay. At last, when Brooks and Smith said good-bye—twice they shook hands—the seventy-five-year-old Church leader had a piece of quiet advice. "I hope that whatever you do in this matter," he told Brooks, "you will be happy about it, permanently

happy.”<sup>15</sup> His emphasis was on the word *permanently*—as if to caution against here-and-now worldly ambition.

Brooks hardly paused, going to David O. McKay’s office and finding him unavailable. She returned the next day and, according to her version of the event, waited outside McKay’s office for an hour and a half before Joseph Anderson, the secretary, went into the inner office to see what he should do. McKay sent word for Brooks to meet with Joseph Fielding Smith, the Church Historian—advice that Brooks saw as a runaround. “I said no,” she remembered, “that Joseph Fielding did not know of the papers and I preferred to wait until I could talk to David O.”<sup>16</sup>

Six months later, she was back. Once again she could get no further than Anderson, who promised to take the matter up with the First Presidency. The next day she found herself sitting opposite Anderson, a table between them. In his hands was her quarry, “a large brown envelope, so old that it was cracking and full of folded papers,” she said.<sup>17</sup>

Anderson told Brooks that J. Reuben Clark, a counselor in the First Presidency, had gone over the materials and decided they would not be helpful to her study. Anderson did, however, provide her with some information. She learned that the envelope contained affidavits about the massacre. In addition, there was a telegram, which Brooks assumed was directed to David H. Morris from the First Presidency and contained instructions on gathering the affidavits. “How I wanted the date of that telegram!” Brooks later wrote to her friend, historian Dale Morgan. “I’d have given anything to have it. But [Anderson] didn’t remember [the date] and he didn’t dare take the material from the envelope.”<sup>18</sup>

It was clear the First Presidency felt the time was not right for the release of the Morris materials—or, for that matter, a book about Mountain Meadows. The criticism and suspicion that had dogged the Church since its inception had died down in recent years, and Church leaders felt that a public discussion of Mountain Meadows might stir the embers.

The episode was a good example of the rival claims of an independent scholar and institutional custodians, which Brooks probably did not have the emotional distance to see. But she did understand that the materials she sought were closed to her research and were likely to remain unavailable during her lifetime. It might be for the best, she reasoned. At least people could not dismiss the book on grounds of Church cooperation or sponsorship.<sup>19</sup>

We now know that Brooks, going on rumors, had only a sketchy understanding of the Morris collection. A footnote in her published book claimed that Morris had told Brooks “of affidavits which he had taken at the order of the First Presidency of the Church from the participants in the

massacre who still lived in southern Utah.”<sup>20</sup> In a contemporary letter to Dale Morgan, Brooks described how Joseph Anderson seemed to confirm the notion that Morris acted at the First Presidency’s behest.<sup>21</sup>

Brooks’s impression of First Presidency involvement may have sprung from her understanding that the telegram in the Morris collection came from a man named Lund. She may have assumed that the sender was Anthon H. Lund, a member of the First Presidency from 1901 to 1921. Actually, the telegram was from R. C. Lund, a prominent southern Utah politician, and it directed the recipient to work with Morris on dismissing charges against John M. Higbee, one of the leaders of the massacre.<sup>22</sup>

At one point Brooks also believed that the Morris collection included “the story of eight participants.” She wrote, “I already have two of these, but the other seven would be most valuable in this study.”<sup>23</sup> The difference in Brooks’s math—her totals did not add up—was probably because she believed that two accounts were written by the same man. When she met with Anderson, however, he informed her “that there were only three affidavits, . . . two by Nephi Johnson . . . and one by Samuel Knight.” In her letter to Morgan, Brooks concluded that she already had one of the Johnson affidavits.<sup>24</sup>

### Joseph Anderson Memo

A more complete picture of the Morris collection emerges from a memo Joseph Anderson wrote when receiving the material from Helen Forsha Hafen—eight years before Brooks saw the enticing “large brown envelope” on the table in the First Presidency’s office. Anderson’s memo

is important because it establishes an inventory of the collection:

Friday, January 4, 1938.

A young lady called at the office of the First Presidency this afternoon (Miss Hafen), and said that the accompanying papers had belonged to David H. Morris of St. George. She is his adopted daughter. Brother Morris, she said, had spent much time securing affidavits etc. regarding the Mountain Meadows Massacre and other things. The attorney for the Estate of Brother Morris, Mr. Orval Hafen, gave these papers to her with the request that they be turned over to the Church. These papers are as follows:



Joseph Anderson

Affidavit dated December 17, 1902, signed by Lucy Walker Smith Kimball,

Affidavit of Nephi Johnson, dated November 30, 1909,

Letter from Mayhew H. Dalley to David H. Morris, dated March 7, 1896,

“Statement of an Eye Witness”, signed Samuel Knight, dated August 11, 1904,

Letter to Honorable Jabez G. Southerland,<sup>25</sup> signed J. W. Judd, and dated February 4, 1896, also letter to Hon. J. W. Christian, signed J. G. Southerland, (These are both copies)

Affidavit by Nephi Johnson, dated July 22, 1908

Telegram dated Feb. 16, 1896, signed R. C. Lund, addressed to Isaac C. Macfarlane.

Joseph Anderson  
Sect’y<sup>26</sup>

### Mayhew H. Dalley Letter

The Morris collection had important information, but nothing that measured up to Brooks’s high hopes—forbidden fruit seldom does. One document written by Mayhew H. Dalley was merely a cover letter for two of the other documents in the collection (see “Documents about John M. Higbee” below). Penciled notes on the back of the envelope for the Dalley letter contained details of a ceremony held at the Meadows on September 10, 1932, the day before the seventy-fifth anniversary of the massacre.<sup>27</sup>



Mayhew H. Dalley

For several years, Mormons and non-Mormons had become alarmed by the deterioration of the massacre site. A wash threatened to expose interred bodies. Nor did it seem fitting that an event as important as the massacre should be left without a historical monument. The cause was taken up by the Utah Pioneer Trails and Landmarks Association, which described itself as “All-American . . . confined to no group or sect.” The organization enjoyed the support of well-connected Latter-day Saint leaders, including George Albert Smith—the Church leader who received Juanita Brooks in October 1945.<sup>28</sup>

On August 20, three weeks before the dedicatory services, more than seventy volunteers cleaned up the site and built “a fine substantial



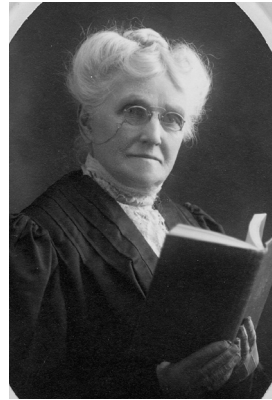
permanent stone wall completely enclosing on all sides the original cairn.”<sup>29</sup> Protracted letter writing and negotiation produced a plaque for the monument that blamed militiaman John D. Lee for the killing.<sup>30</sup> Speakers at the service included Frank Beckwith, a non-Mormon journalist from neighboring Delta, Utah; George W. Middleton, a member of the Landmarks Association and local physician; M. J. Urie, president of the Cedar City Chamber of Commerce; and John D. Giles and George Albert Smith, who served respectively as the secretary and president of the association. William Palmer, president of the Parowan stake and the man most responsible for the new monument, also spoke.<sup>31</sup>

### **Lucy Kimball Statement**

One of the manuscripts listed by Anderson had nothing to do with the massacre. A statement sworn by Lucy Walker Smith Kimball defended the nineteenth-century Mormon practice of plural marriage by citing her own marriage to the Church’s founding prophet, Joseph Smith. Lucy, who later married prominent Latter-day Saint leader Heber C. Kimball, insisted that Emma Smith, Joseph’s wife, had been aware of her husband’s practice of plural marriage and had condoned it.<sup>32</sup>

In 1879, Morris had boarded with Lucy Kimball while attending Brigham Young Academy in Provo, Utah. After learning her early history, Morris had asked for a statement, which she promised to give to him. Twenty-five years later, the First Presidency also wanted a statement from Kimball, and this time she complied. She sent a copy to Morris to fulfill her longstanding but not forgotten promise. “I have that affidavit at home now,” Morris acknowledged in 1930.<sup>33</sup>

Kimball recounted her experiences often, and the information regarding her marriage to Joseph Smith is widely available.<sup>34</sup>



Lucy Kimball

### **Documents about John M. Higbee**

Three of the documents (four counting Dalley’s cover letter) in the Morris collection were written in the 1890s as part of a campaign to dismiss a twenty-year-old indictment against John Mount Higbee. At the time of the massacre, Higbee served as a counselor in the Cedar City stake presidency, as town marshal, and as major in the local militia, and each



role put him in the middle of tragic events. He tried to arrest one vocal emigrant after an altercation when the Arkansas company passed through the city; he led a reconnaissance to the Meadows to see what was going on after the initial attack on the company; and the day before the massacre he led a contingent of militia from Cedar City with orders to end the standoff. Finally, it was Higbee who launched the final slaughter with the simple command “Halt.”<sup>35</sup>

When Higbee gave his account of the tragedy decades afterward, he obscured his role with muddled words. According to his account, he was a mere subordinate. “You older men know what is best to do. Is there no other way?” he claimed to have said during the council that preceded the final killing. He also whittled down the Mormon role by laying most of the blame at the feet of Indians.<sup>36</sup>

Of medium height and slender build, and with a chin of well-combed whiskers, Higbee wore a mask of grieved innocence. A family historian called him “a balancing wheel” in his community and “a man of judgment.”<sup>37</sup> People liked him, and in the late 1860s, friends and neighbors chose him Cedar City mayor—before federal prosecutors drove him underground.<sup>38</sup> For the next twenty years, Higbee lived in the outreaches of Arizona territory. It could not have been a pleasant life with its ignominy, frontier hardscrabble, and social isolation. He was always looking over his shoulder. Any unusual noise or uncertain stranger might mean the coming of U.S. marshals.<sup>39</sup>

In the 1890s, Higbee’s family and friends tried to get the charges against him dropped, and they chose as their lead attorney non-Mormon Jabez G. Sutherland, one of Utah’s best lawyers. As a youth of eleven, Sutherland had left his native state of New York with his family to farm in Michigan, where he later achieved prominence. He served as a member of the state constitutional revision convention, presided as a judge, and represented Michigan in Congress. Visiting Utah in the early 1870s, he found its climate beneficial and decided to move to Salt Lake City, where he became a leading member of the bar. Colleagues in the territory called him their “Nestor,” after the Greeks’ elderly and wise counselor at Troy. He further burnished his reputation by authoring several legal treatises.<sup>40</sup>

Sutherland heard contradictory versions of what happened at Mountain Meadows in September 1857. For a time, he represented most of the nine men indicted for their roles in the massacre.<sup>41</sup>

In 1896, right after Utah achieved statehood and responsibility for prosecution fell into the hands of local officials, Sutherland found himself in the middle of a campaign to get the charges against Higbee quashed—the topic of three of the Morris documents. Hoping to build his case,

Sutherland asked John W. Judd, U.S. attorney for Utah, why he hesitated to dismiss the indictment. Judd responded with a letter, a copy of which is now in the Morris collection, that described prosecutorial dilemmas and problems. Almost forty years had passed since the massacre, Judd explained, making witnesses hard to find and a guilty verdict unlikely. Yet dropping the charges would likely bring Higbee back into the community, “tearing open the old sores of the past.” On balance, however, Judd thought dropping the charges would be better than a futile trial.<sup>42</sup>

With Judd’s letter in hand, Sutherland immediately wrote John Ward Christian, another attorney working on Higbee’s case. A copy of Sutherland’s letter to Christian is also in the Morris collection. Sutherland asked Christian to take his letter and Judd’s to Judge E. V. Higgins, whose court had jurisdiction in the matter. With the prosecution refusing to bring the case to trial and now putting its refusal in writing, Sutherland believed the judge would rule to have the indictment against Higbee dropped, although Sutherland himself personally favored going to trial and having his client acquitted.<sup>43</sup>

Christian had a long history of dealing with Mountain Meadows. At the time of the atrocity, he was living in the Mormon colony of San Bernardino, California, and he became one of the first defenders of the incident. Part of his polemics had to do with family connections. His then future father-in-law, William Mathews, was a member of the first company to go through the Meadows after the massacre, when the stench of fresh blood was still in the air. When Mathews and other members of his party reached California, they rehearsed what southern Utahns had told them about the incident. Christian used this information to write a letter to a leading southern California newspaper defending the Church and its members.<sup>44</sup> But after reestablishing himself in Beaver, Utah, several years later, Christian had second thoughts. Around 1886, he gave historian Hubert Howe Bancroft his more mature views of the massacre. Christian believed the blame lay with the preaching and practices of the “Mormon Reformation” of the mid-1850s but did not arise out of any direct orders from Salt Lake City.<sup>45</sup>

John W. Judd’s letter to Sutherland and Sutherland’s letter to Christian were part of exhibit A in the petition for Higbee’s dismissal. The official copies of these letters and other support are found in Higbee’s criminal case file at the Utah State Archives.<sup>46</sup> The copies in the Morris collection are accompanied by Mayhew Dalley’s cover letter to Morris explaining that he made the copies at the request of Samuel Alonzo Higbee, a son of John M. Higbee.

The third document in the Morris collection relating to Higbee is a telegram dated February 16, 1896, a little more than a week after Judd and

Sutherland had written their letters. The telegram was sent by R. C. Lund to St. George mayor and Latter-day Saint bishop Isaac C. Macfarlane. It asked Macfarlane to meet with Samuel Alonzo Higbee and said that together the two men should “get David Morris to act at once in the matter as Alonzo wishes.”<sup>47</sup>

Lund was a prominent citizen of southern Utah. After serving two terms as mayor of St. George, he became a member of the territorial board of equalization and eventually the president of the state board. In 1896, he was a Democratic Party elector in the state’s first presidential election. He was a blue-ribbon citizen with apparently no ties to the massacre other than his desire to help Higbee.<sup>48</sup> Though we are unsure what Lund’s telegram to Macfarlane meant specifically, the results were clear. As the Washington County prosecutor, Morris entered the motion for dismissal three days later.<sup>49</sup>

The petition for Higbee’s dismissal echoed themes from the letters: “Said John M. Higbee was a young and inexperienced man at the time” of the killing, the petition said. (Higbee had been thirty in 1857.) “If he did any wrong, it was through the influence of others; and what was done at the time, was not at his suggestion, but at the command of others.” The petition also claimed that a successful prosecution was now “impossible.” The document was signed by members of Higbee’s family and leading citizens, mostly from southern Utah, including Sutherland, Isaac Macfarlane, David Morris, Presley Denny—one of John D. Lee’s prosecutors—and five members of the grand jury that had handed down the charges against Higbee.<sup>50</sup>

The case against Higbee was dismissed on February 27, 1896. The court cited legal technicalities, as well as the difficulty of a successful prosecution. Appearing in behalf of Higbee were his legal counselors, Christian and S. A. Kenner.<sup>51</sup> Kenner, who maintained an interest in the massacre after editing a Beaver newspaper during Lee’s two trials, had a distinguished career as a city attorney, county attorney, U.S. prosecutor, legislator, author, and editor of the Church-owned *Deseret News*.<sup>52</sup>

Higbee was soon back in the village that had both nourished him and witnessed the tragic decisions that altered his life. “At seventy-seven years of age he was tall and straight and handsome, quiet, sad-faced, a man who waited for people to express friendship first,” remembered a woman who met him on Cedar City’s streets when she was a girl. “I would walk past him or with him for a little way,” she said. “I always spoke first, ‘Good morning, Brother Higbee,’ or ‘Good evening, Brother Higbee.’ He would look up, smile and say, ‘Good morning, little lady, I hope you are well,’ or ‘Good night, may God protect you.’”<sup>53</sup>

## Samuel Knight Affidavit

One of the three affidavits in the collection was sworn by Samuel Knight. Knight's affidavit, published for the first time in this volume, appears to have been a part of Morris's campaign to preserve a history of



Samuel Knight

the massacre. Knight had a similar reason for his deposition, which he explained in a paragraph that he attached to the rest. "The said statement was made for future use, in settling any false statement that may be circulated in regards to the subject therein stated," Knight said. It was "not to be used for street talk, and common gos[s]ip."<sup>54</sup>

Knight's statement contains important information, though he was clearly hesitant to speak too openly about his own role. His account helps establish a chronology for the massacre and shows clear planning for a coordinated attack on the emigrants.

Knight also repeated others' claims that some emigrants behaved badly—claims that grew in importance as southern Utahns later tried to justify their acts. Knight remembered a climate of war at the time. "It did not require much to cause an attac[k] to be made against the company," he recounted, "for many in so doing supposed that they were only taking advantage of an opportunity to protect their own lives and that of their family."<sup>55</sup>

Knight also revealed part of the tragic reasoning for the final slaughter, though he focused primarily on John D. Lee, who by 1904 was dead, the only man executed for his role in the massacre. Despite the perpetrators' plans to blame Indians alone for the attacks on the company, the emigrants had seen through the scheme and knew of white participation. Lee could not let the emigrants go, Knight said, because they recognized Lee "as one of the party" that had attacked them. The matter "had gone too far."<sup>56</sup> But it was not just Lee who was at fault. White southern Utah men personally killed or wounded several emigrants before participating in the final atrocity. They and their fellow conspirators felt compelled to cover their tracks.

## Nephi Johnson Affidavits

Nephi Johnson authored the final two documents in the Morris collection. Johnson was a second-generation Latter-day Saint, born on

December 12, 1833, in Kirtland, Ohio. His parents were Anna and Joel Hills Johnson. The family headed for Missouri in 1838, but ended up settling in Illinois before moving on to Utah in 1848. When Nephi was seventeen, the family relocated to southern Utah as part of George A. Smith's colonization of the area. The family helped establish Parowan before locating six miles north of Cedar City at what came to be known as Johnson Springs, now Enoch, Utah.<sup>57</sup>

At the time of the massacre, Nephi Johnson was twenty-three but already conversant in the Paiute language. As a teenager, he found himself fascinated by the local Indians, and perhaps no Mormon came to understand or speak their dialect better. His linguistic ability led to a formal Church calling. In 1853, he was "appointed a missionary to the seed of Joseph on the American continent, beginning at the Píedes."<sup>58</sup> To Latter-day Saints of the mid-nineteenth century, the *seed of Joseph* meant "Indians," while the words *Píedes* and *Paiutes* were sometimes used interchangeably.<sup>59</sup>

"I spent a great part of my time preaching to the Indians," Johnson later wrote, and "always tried to have a friendly understanding with them."<sup>60</sup> The local Paiutes came to trust their young friend, which was a reason why Cedar City stake president Isaac C. Haight summoned him to Mountain Meadows. Johnson served as an Indian interpreter and played a role in the final massacre.<sup>61</sup>

After the tragedy, Johnson settled in Virgin (at the time referred to as Pocketville), Utah, where he remained for twelve years. Later he lived in Johnson, Manti, and Kanab, Utah; Mexico; Fredonia, Arizona; and Mesquite, Nevada, where he died in June 1919.<sup>62</sup>

Near the end of his life he met a young schoolteacher, Juanita Leavitt (later Brooks), in Mesquite. He asked her "to do some writing" for him. "My eyes have witnessed things that my tongue has never uttered, and before I die, I want them written down," he said. She expressed interest in his proposition and agreed to start the project at the end of the school year. When she visited Johnson at his ranch, he was near death. "He seemed troubled; he rambled in delirium . . . once his eyes opened wide to the ceiling and he yelled, 'Blood! BLOOD! BLOOD!'" The schoolteacher soon learned that Johnson had been present at the massacre, but to her chagrin, she said, "I had missed my chance" to write his story.<sup>63</sup>



Nephi Johnson

Actually, Johnson had related some details about the massacre on several occasions, including in 1870, when word was circulating that he had a story to tell. As a result, Brigham Young met with him in southern Utah and later may have summoned him to Salt Lake City. Johnson's revelations led to the excommunication of massacre ringleaders Isaac C. Haight and John D. Lee. While considerable evidence confirms that Johnson and Young met in 1870, no contemporaneous record of their conversations exists.<sup>64</sup>

In 1876, Daniel H. Wells, a member of the First Presidency, asked Johnson to tell U.S. attorney Sumner Howard what he knew. Howard then used Johnson as one of his chief witnesses to convict Lee. Johnson's court testimony was the only recorded time that Johnson spoke publicly about the affair, and his testimony was guarded.<sup>65</sup>

On later occasions, Johnson was more frank. He made oral reports to Mormon Apostles Francis M. Lyman in 1895 and Anthony W. Ivins in 1917, and he wrote a detailed letter to Anthon H. Lund of the First Presidency in 1910. When writing Lund, Johnson enclosed a copy of a previously sworn affidavit.<sup>66</sup>

There are several extant Nephi Johnson affidavits. An undated holograph draft was presented to the Church on June 13, 1942, by Flora Morris Brooks. The handwriting, except perhaps the signature, does not appear to be Johnson's. Like Helen Forsha Hafen, Brooks was a daughter of David Morris. She was also Juanita Brooks's sister-in-law; the two women married brothers. J. Reuben Clark, a counselor in the First Presidency, recorded the details of Flora Brooks's donation: "She said that this affidavit was made by Nephi Johnson and left with her father, D. H. Morris, . . . and that she felt it should not be left to be handed about among relatives, etc., but should be put in a place of safe keeping. I told her I would have it deposited in the Historian's Office with Elder Joseph Fielding Smith," the Church Historian at the time.<sup>67</sup>

A second undated affidavit was published in 1950 as an appendix in Juanita Brooks's *The Mountain Meadows Massacre*. This printed version bears no date, but Brooks claimed the "affidavit was made in the presence of, and was notarized by, Judge David H. Morris of St. George, Utah, in 1906." This version closely matches the manuscript given to the Church by Flora Brooks, although there are differences in formatting and a few other minor details. Most significantly, Juanita's published version did not include a phrase crossed out in the manuscript version: "and saw Lee fire"—apparently a reference to Johnson witnessing Lee's role in killing some of the emigrants.<sup>68</sup>

Another affidavit was sworn before Morris on November 30, 1909. The new statement follows the organization and phrasing of both the undated holograph draft and the version published in Brooks's book, but with changes. Additions include details about the parley before the final killing: "The [emigrant] spokesman told Lee that the emigrants were suspicious and were afraid they would be killed, when Lee said that he ask[ed] him if he look[ed] like a man of that kind, and was answered 'no.'" It also says that two or three emigrants escaped, only to be hunted down by Indians.<sup>69</sup>

The documents differ in other details. Where the two undated affidavits say "quite a number" of Indians "had been wounded," the 1909 affidavit says "about twenty." The undated versions report that "quite a number of the posse failed to kill his man"; the 1909 account differs slightly, saying that "quite a number of the men refused to kill his man." Where the undated versions say, "I [Johnson] remained there [at the wagons] until Isaac C. Haight arrived from Cedar City about half hour after the killing," the 1909 affidavit says, "Isaac C. Haight came to the wagons about one half hour after I got there [at the wagons]." And while the manuscript version claims that "there were some fifteen or sixteen young children saved" and the Brooks transcript says that "there were some fifteen or sixteen children saved," the 1909 version reports, "There were some fifteen to eighteen children saved."<sup>70</sup>

Two typed and signed copies of the 1909 affidavit are known to exist. One is part of the Morris collection given to the First Presidency by Helen Hafen in 1938. The other has been available for research at the Church History Library in Salt Lake City for several decades and is probably the enclosure that Johnson sent in his 1910 letter to Anthon H. Lund.<sup>71</sup>

Yet another Johnson affidavit was sworn before Morris on July 22, 1908, and is part of the Morris collection donated by Helen Hafen. Unlike the other Johnson affidavits, it is new to researchers.<sup>72</sup>

When making his 1908 statement, Johnson used words similar to Knight's. He was not seeking to stir up controversy, he insisted. "I have made this affidavit, not for publication, or for general circulation," he said, "but that the truth may be put in writing, that in the event of it being needed to refute error in the future, and after the eye witnesses have passed away, it may be used for that purpose."<sup>73</sup>

Johnson's statements are complementary, and much of their information is similar. But it is also true that Johnson's 1908 statement is the most detailed. Johnson, who was present when the Arkansas company passed through Cedar City, described the emigrants as being of "a mixed class, some being perfect gentlemen, while others were very boastful, and insulting." Johnson wrote that he heard "Capt. Francher [Alexander Fancher],



who was the leader of the emigrants, rebuke the boastful ones of the company.” Before going to the Meadows himself, Johnson said, he learned from Indians of three attacks on the company; Fancher was killed in the third. The Indians also said Lee went back on his promise to give them all of the emigrants’ horses.<sup>74</sup>

Besides detailing what happened during the week of the massacre in September 1857, Johnson’s 1908 affidavit describes events from the 1870s. According to the affidavit, Brigham Young appeared surprised when Johnson reported the details of the massacre to him, and Young told Johnson that Lee had earlier lied to him about the affair. Daniel H. Wells summoned Johnson to Beaver to secure his testimony at Lee’s second trial in 1876. Wells was cooperating with federal prosecutors who were seeking to secure Lee’s conviction.<sup>75</sup>

The testimony of no human witness can ever be completely accurate, nor was Johnson’s, especially because so many years had passed between the massacre and his affidavits. Like other white settlers who played a part in the massacre, Johnson gave varying accounts of the role of the Indians, failing in his version of events to give convincing answers about why they were willing to take part in the killing and making too much of their role.<sup>76</sup>

Still, much from Johnson’s statements has the ring of truth. Some of his details were confirmed by other witnesses. Other details in his accounts are convincing because they fit into a general pattern of personalities and events. They agree with what was going on, and their sequence is right. And the affidavits had the weight of Johnson’s overall reputation for honesty—despite the awful stain of having spent two days at the Meadows in 1857.

### **Important Details but No Smoking Gun**

Juanita Brooks may have had mixed feelings if she had ever been permitted to see the Morris collection. Lucy Walker Kimball’s recollections were not relevant to her concerns, and the information they contained was available elsewhere. Four of Morris’s documents focused not on the massacre itself but on John M. Higbee’s two-decade-old legal case.<sup>77</sup> There was no First Presidency telegram in the collection—no smoking gun that might reveal an official Church cover-up or a hidden attempt to shape public opinion.

Yet the unpublished statements made by Knight in 1904 and Johnson in 1908 were important because of their fresh and pertinent information. While these documents had the strengths and weaknesses of any perpetrator’s memory half a century after the fact, they were firsthand accounts by

men who had been in the middle of things. Brooks might well have concluded that these documents—especially Johnson’s 1908 statement—were still worth her determined efforts.

---

1. Two obituaries, “Utah Pioneer Succumbs at St. George,” *Salt Lake Tribune*, August 25, 1937, 13, and “In the State,” *Deseret News*, August 25, 1937, 14, both incorrectly give Morris’s birth as February 1857 in Salt Lake City. According to the Utah, Washington County, St. George, 1900 U.S. Census, population schedule, 8B, Morris was born in New York in April 1858.

2. L. W. Macfarlane, *Yours Sincerely, John M. Macfarlane* (Salt Lake City: By the author, 1980) 65, citing an interview with Bess Macfarlane Benson of Provo, Utah.

3. Some of the documents from Morris’s collection are reproduced in this journal. Copies of all the documents are included in *Mountain Meadows Massacre Documents* (Provo, Utah: Brigham Young University Press, forthcoming).

4. Levi S. Peterson, *Juanita Brooks: Mormon Woman Historian* (Salt Lake City: University of Utah Press, 1988), 158; Juanita Brooks, *The Mountain Meadows Massacre*, 2d ed. (1962; repr., Norman: University of Oklahoma Press, 1991), 217–18 n. 9.

5. “Utah Pioneer Succumbs,” 13; “Prominent Southern Utah Leader Dies at St. George,” *Deseret News*, August 24, 1937, 3.

6. “Mountain Meadows Massacre,” 1995, in *The Life Story of Helen Forsha Hafen and Her Family* (n.p., 1997), 1, copy in Mountain Meadows Massacre Research Files, Church History Library, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah.

7. “Mountain Meadows Massacre,” 1–2.

8. “Mountain Meadows Massacre,” 2.

9. “Mountain Meadows Massacre,” 2.

10. “Mountain Meadows Massacre,” 2–3; Juanita Brooks to Robert Glass Cleland, June 5, 1945, Juanita Brooks Collection, Utah State Historical Society, Salt Lake City.

11. “Mountain Meadows Massacre,” 3. For Brooks’s memories dealing with Helen Hafen, see Peterson, *Juanita Brooks*, 158–59.

12. Brooks to Cleland, June 5, 1945; Peterson, *Juanita Brooks*, 159–60.

13. Brooks to Cleland, June 5, 1945; Peterson, *Juanita Brooks*, 160.

14. Juanita Brooks to George Albert Smith, October 9, 1945, Brooks Collection; Peterson, *Juanita Brooks*, 167–68. Kelly’s friend and fellow historian Harold Schindler wrote that Kelly “ate Mormons for breakfast.” Harold Schindler to Charles Peterson, July 25, 1984, quoted in Charles Peterson’s introduction to Charles Kelly, ed., *Journals of John D. Lee, 1846–47 and 1859* (Salt Lake City: University of Utah Press, 1984), vii.

15. Peterson, *Juanita Brooks*, 168.

16. Juanita Brooks to Dale Morgan, October 22, 1945, Brooks Collection, cited in Peterson, *Juanita Brooks*, 168.

17. Juanita Brooks to Dale Morgan, May 19, 1946, Brooks Collection; Peterson, *Juanita Brooks*, 176.

18. Brooks to Morgan, May 19, 1946; Peterson, *Juanita Brooks*, 176.

19. Brooks to Morgan, May 19, 1946; Peterson, *Juanita Brooks*, 176.

20. Brooks, *Mountain Meadows Massacre* (1991), 217–18 n. 9.
21. Brooks to Morgan, May 19, 1946; Peterson, *Juanita Brooks*, 176.
22. R. C. Lund to Isaac C. Macfarlane, February 16, 1896, First Presidency Cumulative Correspondence, 1900–49, Church History Library; “R. C. Lund, State Equalization Board,” in S. A. Kenner, *Utah as It Is, with a Comprehensive Statement of Utah as It Was* (Salt Lake City: Deseret News, 1904), 431–33; “Robert C. Lund Passes Away,” *Salt Lake Herald*, January 31, 1906, 1.
23. Juanita Brooks to Dr. [Robert Glass] Cleland, April 10, 1945, Brooks Collection.
24. Brooks to Morgan, May 19, 1946; Peterson, *Juanita Brooks*, 176; Brooks, *Mountain Meadows Massacre*, 169–70.
25. Joseph Anderson’s misspelling of the name Sutherland reflects an accurate reproduction of the name as it appeared in the typed letter copies given to the First Presidency.
26. Joseph Anderson, memorandum, January 4, 1938, First Presidency Cumulative Correspondence.
27. Mayhew H. Dalley to David H. Morris, March 7, 1896, letter and notes on envelope, First Presidency Cumulative Correspondence.
28. Douglas Seefeldt, “Let the Book of the Past Be Closed”? Public Memory and the Mountain Meadows Massacre Monuments, 1859–1999,” 5–10, paper presented at the Mormon History Association Conference, May 16–19, 2002, Tucson, Ariz., copy in authors’ possession; William R. Palmer, autobiography excerpt, [1947], Mountain Meadows Massacre Research Files; “Salt Lake Writer Visits Mt. Meadows Massacre Site,” *Millard County Chronicle*, May 14, 1931, 4.
29. “Marker Erected at Mountain Meadows on September 10th,” *Millard County Chronicle*, September 15, 1932, 1.
30. Seefeldt, “Let the Book of the Past Be Closed”? 7–9.
31. “Tablet Placed at Mountain Meadows by Trails Association,” *Parowan Times*, September 16, 1932, 1, quoting the *Iron County Record*; “Marker Erected at Mountain Meadows,” 1, 4.
32. Lucy Walker Smith Kimball, affidavit, December 17, 1902, First Presidency Cumulative Correspondence.
33. D. H. Morris, statement, June 12, 1930, typescript, Vesta Crawford Papers, Special Collections, J. Willard Marriott Library, University of Utah, Salt Lake City.
34. See, for instance, “Lucy W. Kimball’s Testimony,” *Historical Record* 6 (May 1887): 229–30; Lucy Kimball, statement, in Lyman O. Littlefield, *Reminiscences of Latter-day Saints* (Logan, Utah: Utah Journal, 1888), 46–49, reprinted in Rodney W. Walker and Noel C. Stevenson, comps., *Ancestry and Descendants of John Walker* (Kaysville, Utah: Inland Printing, 1953), 32–34. She also spoke in public regarding her marriage to Joseph Smith. See Anthon H. Lund, Journal, August 31, 1902, March 7, 1909, Church History Library; Journal History of the Church, December 24, 1902, 5–6, Church History Library. Her December 17, 1902, affidavit was likely made at the request of Church President Joseph F. Smith, who gathered information to refute claims made by members of the Reorganized Church of Jesus Christ of Latter Day Saints that Joseph Smith never practiced plural marriage. See Joseph F. Smith, “Plural Wives of Joseph Smith, the Prophet,” *Improvement Era* 5 (October 1902): 988–89. The LDS Church History Library has over seventy copies of the 1902 affidavit, which contains the same text as the copy given to David H. Morris. Todd M. Compton devoted a chapter to Lucy Walker

Smith Kimball in his book *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 2001), 738–41.

35. Ronald W. Walker, Richard E. Turley Jr., and Glen M. Leonard, *Massacre at Mountain Meadows: An American Tragedy* (New York: Oxford University Press, 2008), 133–34, 155, 167, 181, 190, 199, 230, 258.

36. Bull Valley Snort [John M. Higbee], February 1894, photocopy of manuscript, in Juanita Brooks Papers, Marriott Library.

37. “History of John Mount Higbee,” typescript, in *Higbee Family Magazine* 3 (July 1957): 121, copy in authors’ possession.

38. Evelyn K. Jones and York F. Jones, eds., *Mayors of Cedar City* (Cedar City, Utah: Cedar City Historical Preservation Commission, 1986), 27–29; “Another Judicial Movement,” *Deseret Evening News*, February 24, 1875, [2].

39. “Autobiography of James William Nixon,” typescript, 5–6, copy in authors’ possession.

40. Orson F. Whitney, *History of Utah* (Salt Lake City: George Q. Cannon and Sons, 1904), 4:529–31; “Judge Sutherland Is Dead,” *Deseret News*, November 20, 1902, 1.

41. “From Beaver,” *Salt Lake Daily Tribune*, February 24, 1875, [4]; “Another Move Judicial,” *Deseret Evening News*, February 24, 1875, [2]; “Another Judicial Movement,” *Deseret Evening News*, February 24, 1875, [2]; Jabez G. S[u]therland to John W. Christian, February 5, 1896, First Presidency Cumulative Correspondence.

42. J. W. Judd to Jabez G. S[u]therland, February 4, 1896, First Presidency Cumulative Correspondence.

43. S[u]therland to Christian, February 5, 1896. Not knowing where Christian was, Sutherland sent both Judd’s letter and his own letter to Alonzo Higbee, John M. Higbee’s son. J. G. Sutherland to A. S. [Samuel Alonzo] Higbee, February 5, 1896, Criminal case file 32, Utah Second District Court Criminal Case Files, 1874–77, Series 24291, Utah State Archives, Salt Lake City, copy at Collected Material concerning the Mountain Meadows Massacre, Church History Library.

44. J. Ward Christian to G. N. Whitman, October 4, 1857, in “Horrible Massacre of Emigrants!” *Los Angeles Star*, October 10, 1857, 2; J. Ward Christian, letter, October 18, 1857, in “The Late Outrages on the Plains—Another Account,” *Los Angeles Star*, October 31, 1857, 2; William Mathews, testimony, *United States v. John D. Lee*, first trial, Jacob S. Boreman transcript, 4:45–48, Jacob S. Boreman Collection, Huntington Library, San Marino, Calif.; E. C. Mathews, testimony, *United States v. John D. Lee*, first trial, Boreman transcript, 4:96–99; “The Late Horrible Massacre,” *Los Angeles Star*, October 17, 1857, 2.

45. John Ward Christian, dictation, [1886], Bancroft Utah Manuscript Collection, volume 2, item 9, Bancroft Library, University of California—Berkeley, microfilm copy at Church History Library.

46. Criminal case file 32. There is also a copy of the official petition documents in the Florence Spilsbury Higbee Collection, Special Collections, Gerald R. Sherratt Library, Southern Utah University, Cedar City, Utah. The library acquired the Higbee collection in 1968, after Brooks’s book was published. Higbee’s criminal case file was archived in the Beaver County Court House from 1896 until 2002, when the documents were moved to the Utah State Archives. Brooks apparently was not aware of these documents. Judd’s and Sutherland’s letters are only a part of the official petition for dismissal.

47. Lund to Macfarlane, February 16, 1896; Andrew Jenson, *Latter-day Saint Biographical Encyclopedia: A Compilation of Biographical Sketches of Prominent*

*Men and Women in The Church of Jesus Christ of Latter-day Saints*, 4 vols. (Salt Lake City: Andrew Jenson History Company, 1901–36), 3:448–49.

48. “R. C. Lund, State Equalization Board,” 431–33; “Robert C. Lund Passes Away.”

49. Criminal case file 32.

50. Petition to E. V. Higgins on behalf of John M. Higbee regarding *People of the United States in the Territory of Utah v. John M. Higby*, February 27, 1896, typescript, in Collected Material concerning the Mountain Meadows Massacre, also in Florence Spilsbury Higbee, John M. Higbee and Mountain Meadows Massacre Papers, Church History Library.

51. Dismissal, Fifth Judicial Court, *United States v. John M. Higbee*, February 27, 1896, Spilsbury Collection, citing Minute Book entry.

52. Scipio A. Kenner, “Reply to ‘Lights and Shadows of Mormonism,’” unpublished typescript, Church History Library; “Death of S. A. Kenner, Pioneer Journalist,” *Deseret Evening News*, March 15, 1913, 2; “Scipio A. Kenner,” *Deseret Evening News*, March 17, 1913, 4; “Funeral of S. A. Kenner,” *Deseret Evening News*, March 24, 1913, 5; Jenson, *Latter-day Saint Biographical Encyclopedia*, 2:279.

53. “Execution of John D. Lee,” undated typescript, Caroline Parry Woolley Collection, Special Collections, Sherratt Library.

54. Samuel Knight, affidavit, August 11, 1904, First Presidency Cumulative Correspondence.

55. Knight, affidavit.

56. Knight, affidavit.

57. Nephi Johnson, autobiographical sketch, ca. 1863, typescript, Church History Library.

58. “Minutes,” *Deseret News*, March 2, 1854, 2; Nephi Johnson to Anthon H. Lund, March 1910, Collected Material concerning the Mountain Meadows Massacre.

59. On the distinction between Pahutes (Paiutes) and Piedes in early sources, see Ronald L. Holt, *Beneath These Red Cliffs: An Ethnohistory of the Utah Paiutes* (Logan: Utah State University Press, 2006), 14–15, 160 n. 7.

60. Johnson, autobiographical sketch.

61. Nephi Johnson, affidavits, July 22, 1908, November 30, 1909, First Presidency Cumulative Correspondence.

62. Johnson, autobiographical sketch; “Utah Pioneer of 1848 Answers the Call of Death,” *Deseret Evening News*, July 16, 1919.

63. Juanita Brooks, *Quicksand and Cactus: A Memoir of the Southern Mormon Frontier* (Salt Lake City: Howe Brothers, 1982), 226–29.

64. Johnson, affidavit, July 22, 1908; Erastus Snow, deposition, February 21, 1882, quoted in Charles W. Penrose, *The Mountain Meadows Massacre: Who Were Guilty of the Crime?* (Salt Lake City: Juvenile Instructor Office, 1884), 67–68; John R. Young to Susa Young Gates, June 1, 1927, John R. Young Scrapbook, 1928–30, pp. 109–10, Church History Library; John R. Young to W. S. Erikson, February 1928, typescript, in Collected Material concerning the Mountain Meadows Massacre. Erastus Snow recalled that in 1870 he and L. W. Roundy provided Brigham Young with new details regarding the massacre. John R. Young remembered that Roundy referred Brigham Young to Nephi Johnson, who gave him more information, though John dated the events to 1865. Johnson himself recalled that Brigham Young summoned him to Salt Lake City to share details of the massacre. Jesse N. Smith’s journal, now in the Church History Library, confirms that Brigham Young

and his party, which included Erastus Snow and L. W. Roundy, visited Virgin City, Utah, where Nephi Johnson resided, in September 1870: "Sat. Sept. 3 [1870] Went to Paragonah to meet Pres. Young and his company. Bros. E. Snow and L. W. Roundy came from the south, they stayed at our house. Sun. 4. . . . Pres. Young asked Silas and me to accompany him on his trip to the Pahreah. . . . Mon. 5. Started in company with Silas to accompany the President and party . . . Tues. 13. Thirteen miles brought us to Virgin City, where at Nephi Johnson's I found my wife Janet . . . The Company came up." Lee was excommunicated at Church headquarters on October 8, 1870. Wilford Woodruff, Journal, October 8, 1870, Church History Library.

65. Johnson, affidavit, July 22, 1908; Nephi Johnson, testimony, *United States v. John D. Lee*, second trial, Boreman transcript, 1:43–85. He spoke privately to his father, his brother-in-law James H. Martineau, and two of Lee's sons-in-law, Marcus Henry Darrow and Hyrum B. Clark, before the second Lee trial. Nephi Johnson, testimony, *United States v. John D. Lee*, second trial, Boreman transcript, 1:82–84.

66. Francis M. Lyman, Journal, September 21, 1895, "Diary Excerpts of Francis M. Lyman, 1892–96," typescript, in *New Mormon Studies CD-ROM: A Comprehensive Resource Library* (Salt Lake City: Smith Research Associates, [1998]); Nephi Johnson, conversation with Anthony W. Ivins, September 2, 1917, typescript, Anthony W. Ivins Collection, Utah State Historical Society; Johnson to Lund, March 1910.

67. Nephi Johnson, affidavit, undated, manuscript, in Collected Material concerning the Mountain Meadows Massacre; J. Reuben Clark, statement, June 13, 1942, attached to the undated Johnson affidavit, Collected Material concerning the Mountain Meadows Massacre.

68. Brooks, *Mountain Meadows Massacre* (1950), 59, 169–70. Nephi Johnson gave his age as seventy-five in the affidavit that Brooks dated as 1906, but he was actually seventy-two in 1906. Therefore, it could be argued that when Brooks included the affidavit in *Mountain Meadows Massacre*, she mistyped the date, and the document is actually a variant of the 1909 affidavit. However, Johnson also incorrectly listed his age as seventy-five in 1908.

69. Johnson, affidavit, November 30, 1909; Brooks, *Mountain Meadows Massacre* (1950), 169–70; Johnson, affidavit, undated.

70. Johnson, affidavit, November 30, 1909; Brooks, *Mountain Meadows Massacre* (1950), 169–70; Johnson, affidavit, undated.

71. Johnson, affidavit, November 30, 1909, also in Collected Material concerning the Mountain Meadows Massacre. The two copies were initially identical, but the copy sent to Lund has minor changes not found in the other copy.

72. Johnson, affidavit, July 22, 1908.

73. Johnson, affidavit, July 22, 1908.

74. Johnson, affidavit, July 22, 1908.

75. Johnson, affidavit, July 22, 1908.

76. In September 1895, Johnson spoke about his own role in the massacre and that of the Paiutes with Latter-day Saint Apostle Francis M. Lyman. Lyman recorded, "Johnson was the man who gave the word to the Indians to fire at the last general killing. . . . He says white men did most of the killing." Lyman, Journal, September 21, 1895.

77. Copies of Judd's and Sutherland's letters are in Collected Material concerning the Mountain Meadows Massacre. They have been available to some researchers in the past.