

nected with the massacre and requested me to publish the same. Why he refused to confess at an earlier day and save his own life by placing the guilt where it belonged, is a question which is answered by the statement that he was still a slave to his endowment and Danite oaths, and trusted until too late to the promises of protection by Brigham Young."

A false statement respecting Smith could not benefit Lee in any possible way, nor could he gain anything by falsely implicating any innocent person, and, in view of the well known facts and circumstances, it is clear that he has not done so in his confession.

The following synopsis of my closing speech to the jury at the first trial of Lee was made by Mr. Lockley, then the editor of the Salt Lake Tribune, who was present at the trial:

"Mr. Baskin made the closing argument for the prosecution. He commented upon the charge of the opposing counsel, that the case was being tried by popular clamor, and that the prosecution addressed itself to the prejudice of the audience and jury, and said by the severe arraignment of the people of the United States, and the peoples' attorneys, a stranger would be in doubt who was really on trial. It had been admitted that murder was committed, heinous in nature and revolting in its details. The fact is well known that at the time of the massacre not over one hundred Gentiles were living in the Territory. The speaker dwelt briefly upon the organization of the Nauvoo Legion, and said that 'it was a militia body obnoxious to public sentiment, a brutal instrument of an ecclesiastical despotism, and part and parcel of the Mormon church. Its highest officers were leaders of that church.' He severely criticized the length of time the crime had been allowed to slumber, and quoted from the Utah statutes to show that the execution of the law was in the hands of the Mormon authorities; that the territorial marshal appointed by the legislature summoned the grand and petit jurors; that the attorney general appointed by the same body was the prosecuting officer of the district courts until last year, when an act of Congress changed the judicial system of Utah, vesting the power to prosecute criminals in the United States district attorney, and that the probate courts exercised general criminal jurisdiction. He said 'the blame for delay in instituting a judicial investigation into the violation of crime rests solely with the Mormon authorities, who, having the power entirely in their own hands, have thrown every impediment in the way of executing the law.' To make this disgraceful fact more apparent, the speaker pointed to one of the prisoner's counsel who long held the office of prosecuting attorney for the judicial district, and whose duty during his tenure of office it was to bring his client to justice, and said that 'Congress at last having

acted, unpunished crimes are being investigated and offenders who have long enjoyed security brought to the bar of justice.'

"The counsel for the defense says that we ask you to "convict Lee, because he is a Mormon." Such an assertion is an insult to your intelligence. The first witness described the scene at the Mountain Meadows a few days after the occurrence, and the second witness a few weeks later. Their testimony established the corpus delicti. Klingensmith, a former bishop of the Mormon church, because of his position, was made a conspicuous actor in the crime. Because he was an active participant, and testified to that fact, he has been made the subject of vituperation and invective, and persistent effort is made to break down his testimony. If it were all stricken out, the charge is still conclusively proved. The prisoner's counsel have asked to what possible use a man like Klingensmith can be put. He is fit to obey counsel, a cardinal duty enjoined upon every good Saint. He is fit to be a polygamist bishop, and help build up "the Kingdom." He is fit to carry out the orders of his ecclesiastical superiors, and murder and spoliage at the command of alleged God-chosen servants. So long as he confined himself to these functions he was fit for preferment in the hierarchial ranks and not a word against his character was spoken, but now that he has come out from the charnel house, and has shaken his soul clear of the delusions that held it in bondage, and shown a willingness to atone for his past offenses by ridding his conscience of this appalling crime, he instantly loses all of his past sanctity and becomes "a monster of such hideous mien, that to be hated needs but to be seen".'

"From the accumulation of testimony upon the point there can be no doubt that the emigrants surrendered their arms and committed to Lee the care of their young children, and then followed in the death procession. Defendant's counsel asked the jury to believe that this was done in good faith with the intention of rescuing the emigrants from the Indians who were menacing them. Is not such a request an insult to common intelligence? If deliverance was meant, why compel them to surrender their arms? Why take from the mother's breast the nursing baby? Why lead them into an ambush of Indians? The whole execution of the plot shows murderous design, and to believe otherwise is to do violence to common sense. When the victims were slain, the whites dispersed unmolested to their homes. If the Indians had committed the massacre, their passions being whetted with blood, they would have further gratified their savage rage by an assault upon the white men present. But the testimony shows that, instead, Indians tricked out in the clothing of the slain, went to Cedar City and washed bloody garments in the ditches, and that there was no excitement among them, and none of the citizens feared any attack; that Brigham Young was governor of the Territory and ex officio Indian superintendent. Had he been an honest and faithful official—had he been a Christian

gentleman—he would have diligently collected the vast property of the emigrants and sold it—at the high prices that such property brought at that time in the Territory—for the benefit of the innocent little children, made fatherless and motherless by the Mormon fiends who ruthlessly murdered their fathers, mothers, and their older brothers and sisters. But instead of performing that official and humane duty, he suffered much of the property to be sold at public auction to the assassins of the emigrants, and many of the cattle to be branded with the church brand.

“If there is a man on this jury who has been through that sink of iniquity, the endowment house, and wears endowment garments on his limbs, he will not find a verdict according to the law and testimony. He parted with his manhood when he swore blasphemous oaths which bind him a lifelong slave to the Mormon priesthood. He divested himself of his individuality, and is under obligation to think and act as he is directed.

“Judge Sutherland asks the question, Why did not the witness Klingensmith and Joel White object to the massacre, instead of engaging in it? I answer, simply because they were members of an organization in which upon their oaths, they had bound themselves to obey the priesthood, and in which they had been made cowards—craven cowards and obedient serfs. All of the defendants attorneys who have addressed you, have denounced Bill Hickman and have severely criticized the prosecution for summoning him as a witness. They failed, however, to state what has made him odious and notorious. Gentlemen, it was his connection with Brigham Young, and the crimes which he, as one of the chief Danites of the Mormon church, committed. Both Hickman, and [also] the fifty Mormons who participated in the massacre, have made themselves infamous by obeying their church leaders. I have no doubt that both Lee and the church officials of Cedar City under whose orders that crime was committed, at the October Conference following the massacre, which they attended, as usual, partook of the sacrament commemorative of the suffering and death of Jesus Christ, whose mission on the earth was one of mercy, and who said “Blessed are the Merciful.”

“With what joy must the beleaguered emigrants have hailed the approach of that white flag, the emblem of peace and mercy, in the hands of a man whose white skin denoted that he was a Christian and coming to their rescue? My God! what a sad mistake they made when they trusted that man who, with a lying tongue, induced them to give up their arms which was their only means of defense; and Oh! what must have been their horror when the onslaught upon them in their defenseless condition was begun by the white men whose protection had been promised, and by the secreted Indians upon their helpless women and children. The horror of the scene is indescribable. About one hundred and twenty-five of the survivors of the emigrants were foully betrayed under a flag of truce, and in the space of a few

minutes after the assault upon them began they were ruthlessly murdered by fifty-two white men called "Latter-day Saints," aided by an ambuscade of Indians. The evidence shows that the Mormons in the vicinity of the massacre, under the influence of the infamous organization to which they had subjected themselves, had lost their manhood and had become so servile that they made no effort to prevent that awful crime, and when those who participated in it were ordered out by their church leaders, they went to the scene of the slaughter like dumb cattle; and when they were at the Meadows, as testified to by young Pierce, Pollock and other witnesses, the talk among them was that the emigrants were to be destroyed; and yet not one among that assemblage of at least fifty-two members of the so-called Church of Jesus Christ of Latter-day Saints possessed manhood enough to make the least objection to the commission of that atrocious crime.

"What was done with the property of the emigrants? The evidence shows that it was sold at auction and bought by the inhabitants of Cedar City; that the bulk of it was appropriated by the men who murdered the parents of those little orphan children. I arraign Brigham Young as an accessory of the massacre, because considering the power he had over his people, no man, bishop, or any other subordinate officer, would have dared to take such an important step, or engage in such heinous scheme, if he hadn't the direct or implied sanction of the head of the church. The evidence shows that the leaders in that massacre were leaders in the Mormon church at Cedar City. I not only arraign Brigham Young as accessory before the fact of the massacre, but also as having violated his oath of office in failing to do what both his official duty and the common dictates of humanity required of him, which was to prevent the little children who were saved from being robbed; to have the property of the emigrants collected and sold and the proceeds appropriated to the nurture and education of those children. In place of doing that, this man with almost omnipotent power over his people, when the news was carried to him that the fathers, mothers and friends of those children had been butchered like dogs by Latter-day Saints and savage Indians combined, ordered the property to be delivered to John D. Lee, one of the chief perpetrators of the massacre.

"Gentlemen of the jury, in concluding, I again say, as I said before, I do not know whether any members of the Mormon church are on this jury, or even one man who has been bound by the shackles and subjected to the influence which led Klingensmith, Joel White, William Young, and each and all of the others engaged in that massacre, to march out to the Mountain Meadows and ruthlessly bathe their hands in the blood of offenseless men, women and children. If any one of this jury is a member of the Mormon church, I don't expect any verdict. In short, if any mem-

ber of this jury has upon him the endowment garments received in that iniquitous grease-vat, the endowment house, where he took an oath of obedience and laid down his individuality, no evidence can be introduced in a case like this one that would induce such a man, as long as he is under that pernicious influence, to find a verdict of guilty, and I do not expect it."

The evidence at the first trial of Lee as conclusively showed his guilt as the second one did. Mr. Bishop in his preface to Lee's confession, stated, respecting these trials:

"Mormonism prevented conviction at the first trial, and at the second, Mormonism caused conviction—Brigham and his worshipers deserted Lee and marked him as a victim that should suffer to save the church from censure on account of the crimes it had ordered."

I have not the least doubt that to appease the universal adverse sentiment shown by the general expressions of disgust and indignation by the newspapers of the country caused by the exposures made at the first trial, Brigham Young entered into an arrangement with District Attorney Howard, that a Mormon jury should be impaneled to convict Lee; that the affidavits of Brigham Young and Smith, and their letters should be offered in evidence by Howard, and that he should exonerate the authorities of the Mormon church of complicity in the massacre. Mr. Howard, when he offered these affidavits and letters, said, "These papers have been submitted to the attorneys for the defense, and they consent to their introduction. I now file them and place them in evidence." Mr. Bishop, one of the attorneys of Lee, replied as follows:

"May it please your honor: While denying that these documents are legal evidence, we wish to see what length the prosecution will go in this court against the defendant by law or without law. Our opinion as attorneys is opposed to the evidence, but our client insists that it be admitted. Let the evidence go in, and with it all besides that the authorities of the church at Salt Lake City have unearthed for the perusal of Brother Howard. We now know we are fighting the indictment, and also the secret forces and power of the Mormon church."

Mr. Howard knew that the prisoner was entitled, under the provisions of the constitution, to a trial by an impartial jury, and to be confronted by the witnesses against him; that he had a right to cross-examine the witnesses of the