

NEWS

GRADUATION PRAYERS IGNITE CHURCH/SCHOOL DEBATE

RESIDENTS OF Rockland, Idaho, were stunned last year when two students and their families joined forces with the American Civil Liberties Union (ACLU) to challenge religious influence in the lone K-12 public school. Joey Long and her mother Carol Brown, and John Haynes and his mother claimed the constitutional barriers dividing church and state were being trampled. Besides objecting to seminary classes which were held in the school building during school hours and Church announcements posted on school bulletin boards, Long, an athlete, complained that her basketball and volleyball coaches required pre-game prayers. "I don't participate in these prayers. To me, prayer is a very personal thing. Besides, the prayers that the coaches and the students say are always LDS prayers."

The ensuing battle cut the small community, 85 percent of whose members are Mormon, into bitter religious factions. Many Mormons were deeply offended that their own townspeople would challenge traditional community practices. After the suit was filed, the plaintiffs claimed they were socially ostracized and branded "traitors." Long stated in a court affidavit that she lost her friends because of the issue. "I hate having the Church in my school. It leads to bad relations between me and my classmates and seems to separate us." Long says she was given the silent treatment by classmates. But a fellow classmate, John Howell, claims she was unharrassed. "Everyone pretty much leaves her alone," the seventeen-year-old Mormon said, though he believes she betrayed her school. He said he and his

friends refrain from discussing the suits with Long out of fear of being accused of bothering "or trying to convert her."

A similar eruption split Utah residents down religious lines last spring when the Utah chapter of the ACLU sent a letter to all forty Utah school districts threatening legal action if denominational prayers were offered at high school graduations.

The controversy became widespread with frequent reports, editorials, letters, and opinion columns in the media.

Although the Church remained silent on the specific cases, Apostle Dallin Oaks wrote an article for 23 May *Wall Street Journal* noting "a growing pattern of

hostility to religion in the United States" which was unintended by the 1962 school prayer decision and asserted that "religion should have place in the public life of our nation." The former University of Chicago law professor said the First Amendment would correctly be interpreted as neutral rather than hostile to religion. The Court's decision, he explained, "set in motion a chain of legal and public and education actions" that jeopardizes tolerance today.

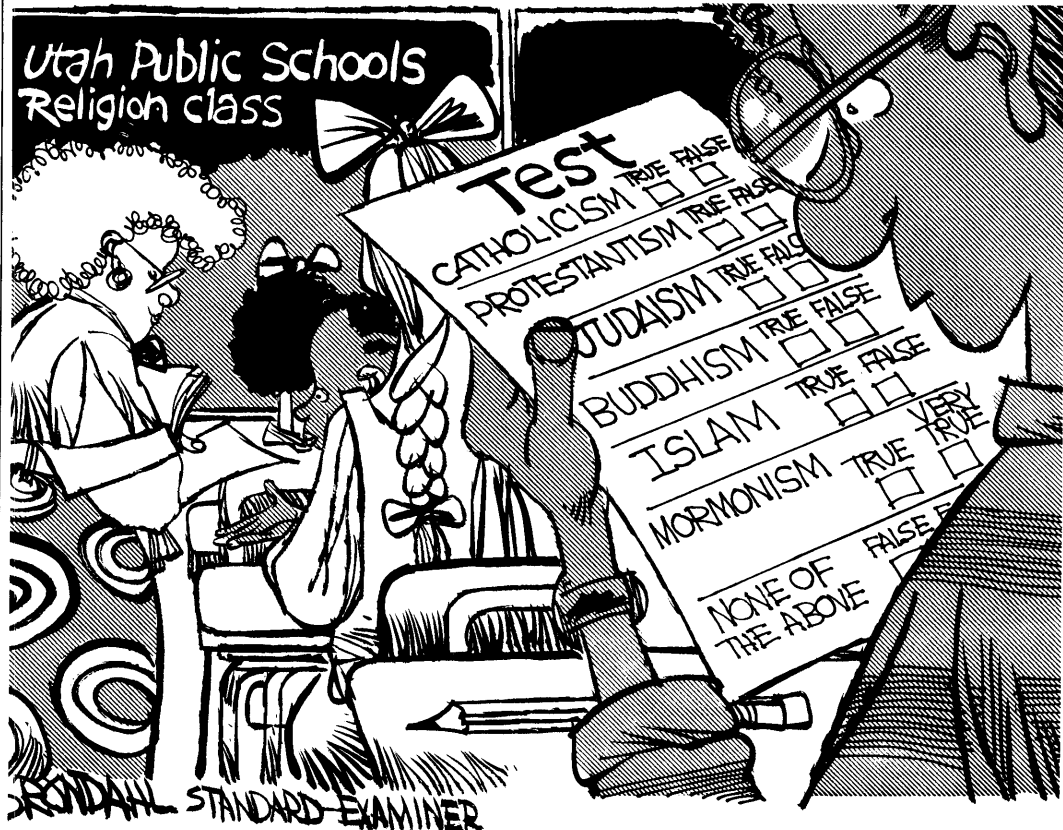
Citing a lawsuit brought against Utah Jordan School District in 1989 which accused some students' public prayers as being "denominational" because they mentioned Jesus Christ, Elder Oaks quoted the Supreme Court's 1962 ruling that "government had no power to write prayers." He then argued that "if it is not part of the business of government to write a prayer, then it is not part of the business of a court to censor a prayer."

Elder Oaks said religion "has become something that had to prove its right to remain in the

public square." He listed examples including the omitting of religious events from American history textbooks, the forbidding of all prayers in school (rather than prayers that were state-authored or -required), and attempts to ban prayers from government and other public adult gatherings even though the original reasoning behind banning school prayer was concern for the impressionability of young students.

"Immense resources have been devoted to thrashing out the constitutional limits of prayer," wrote Elder Oaks. He indicated his own agreement with a 1952 Supreme Court opinion that state encouragement of religious instruction "follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs."

He concluded: "Religion should have a place in the public life of our nation. To honor this principle with prayers in the graduation exercises of high-school students is to honor the religious plurality



of our nation and the religious liberty it was founded to protect." An expanded version of Elder Oaks's letter appeared in the July *Ensign*, and this fall the Church released an official statement on prayer in public life (see sidebar).

Elder Oaks's letter prompted a reply by Utah ACLU Executive Director Michelle Parish-Pixler. Her letter set off a chain reaction which ended when Boyer Jarvis, president of the board of directors at the ACLU, resigned.

In an unpublished letter to the *Wall Street Journal*, Parish-Pixler wrote, "What religious leader Dallin Oaks blithely disregards is that if there is any state government which should avoid even the appearance of an establishment of religion, it is Utah, where the patterns and practices of theocracy die hard; the only state where all non-LDS persons . . . are derisively known as gentiles."

Parish-Pixler also charged that students in Utah's public schools are unconstitutionally "subjected to formulaic LDS prayers, proselytizing and often the teaching of academically discredited LDS versions of history and anthropology."

Having been sent a courtesy copy of the letter, Elder Oaks complained in a letter to Boyer Jarvis, a Mormon. Jarvis then resigned his position saying he didn't disagree with the content of Parish-Pixler's letter but did with her style, which he called a mean-spirited personal attack upon his Church and state officials. "The fact that you have publicly drawn me into your controversy with Dallin Oaks makes it impossible for me to continue," he wrote in a letter to her.

Jarvis was replaced by University of Utah law professor John K. Morris who said he thought Elder Oaks was wrong and said the ACLU would continue to oppose prayer in public schools.

As school graduation approached, many Utah school districts attempted to duck the volatile issue by eliminating prayer from their ceremonies. Several others followed ACLU advice and



LDS Apostle Dallin H. Oaks, Utah ACLU Executive Director Michelle Parrish-Pixler, and Utah Governor Norman Bangerter. Participants in the dispute over students praying at graduation.

PHOTOS: DESERET NEWS

KEY RELIGION-SCHOOL COURT RELATED OPINIONS

FOLLOWING IS a summary of legal opinions compiled in part by the American Jewish Congress in a report addressing key religion-related issues facing schools in the United States:

•Prayer in the classroom

Given by either students or teachers is unconstitutional, according to the U.S. Supreme Court.

•Moment for meditation or silent prayer

The issue remains unclear with some states permitting meditation and others believing it is unconstitutional.

•Prayer at school-sponsored athletic events

Courts have ruled that prayer at such events is unconstitutional even if it is offered by a local ministerial association.

•Team prayers

While not ruled on in a precedent-setting court case, at least three state attorneys general said it is unconstitutional for coaches or players to offer prayers before, during, or after games.

•Prayers at graduation

As evidenced by the lawsuit filed by the ACLU against some Utah school districts, the issue remains volatile. Several states have banned prayer at graduation services after court challenges.

•Teaching about religion

The Constitution permits objective teaching about religion. Some states have approved curriculum that interjects religious history and issues into schools.

•The Bible as literature

To pass constitutional muster, any course on the Bible must be devoid of denominational bias.

•Religious symbols

In some states, courts have held that teachers can't wear religious garb in school. In one case, teachers were allowed to wear religious jewelry such as crosses.

•Use of classroom space for religious student clubs

In a recent decision, the U.S. Supreme Court ruled that religious clubs must be provided space to meet in public schools if other clubs that did not relate to curriculum taught at the school are allowed to meet. For example, if a chess club were allowed to meet, and there was no class on chess at the school, the school would then be required to give a religious club equal access. (Congress recently passed the Equal Access Act which requires schools to provide religious clubs the same access to school facilities that they provide to any other non-religious club.)

•Religious beliefs vs. school text requirements

At least one court has held that there was no violation of First Amendment rights by a school that allowed children to leave class and read an alternative book when parents objected to the book being against their religious beliefs. In another case, the court sided with a school board that refused to allow children to use an alternate textbook when parents objected to the overall values of the text.

•Voucher systems

A case which will likely loom before the court is the proposed "voucher system." School districts will issue vouchers equal to the amount they would spend in a year for each student. Parents will be allowed to "spend" the voucher at the school of their choice. Most likely, the courts will have to decide whether parents will be able to "spend" the state funded vouchers at parochial schools.

allowed only non-denominational prayers although the ACLU called the constitutionality of such prayers shaky. Still other schools replaced prayers with a moment of silence, an inspirational message, or a "reflection of gratitude." The South Summit District turned the entire graduation program over to the Lion's Club. The Lion's Club then decided the program, ordered the invitations, and held the ceremony at their facility.

School districts like Granite, Alpine, and Cache, however, continued to allow prayers at graduation exercises. Cache graduation ceremonies board president Carol Funk said, "You have a majority faith here who believe in prayer and who want prayer at graduation. Yet, we are being told by a very vocal minority that we cannot have it." Proponents of prayer maintain that graduation ceremonies are extra-curricular and are student-initiated and student-sponsored. Alpine Board President Richard Gappmayer said, "We believe that allowing graduates to offer ceremonial prayers as a traditional part of graduation ceremonies is a form of free speech which is clearly protected by the First Amendment."

Mike O'Brien, ACLU attorney, countered proponents' arguments saying that regardless of a district's religious majority, the Constitution specifically states that religion will not be determined by majority but is a freedom open to every individual. The ACLU also main-

LDS CHURCH RELEASES STATEMENT ON PRAYER IN PUBLIC LIFE

The LDS church issued the following statement to its members in the United States:

PRAYERS IN PUBLIC LIFE IN THE UNITED STATES

The Church of Jesus Christ of Latter-day Saints has always emphasized the importance of prayer, including prayers offered in any public setting in which they are legal.

The Supreme Court of the United States has clearly forbidden any audible prayers in public school classrooms. We encourage all to observe that ruling.

The constitutionality of prayers in public school graduations and other high school events is still before the courts in a variety of cases of differing circumstances. This is a national issue. We welcome the opportunity for duly constituted authorities to examine the educational practices and religious traditions of the nation and to clarify the law on this important subject.

Where a prayer is legally permissible—and the Supreme Court has not outlawed prayers at legislative assemblies or other public meetings—we believe no one should be required to modify the content of the prayer he or she chooses to offer regardless of religious affiliation. Prayer is too sacred for its content to be the subject of a lawsuit.

In discussion of these issues, we need goodwill and considerate behavior on the part of all.

As the ruling principle of conduct in the lives of many millions of our citizens, religion should have an honorable place in the public life of our nation, and the name of Almighty God should have sacred use in its public expressions.

tains that students are "coerced into participating in prayers against their wishes" at graduation ceremonies.

In July, as promised, the ACLU filed suits against Granite and Alpine districts for allowing prayers at graduation. The suit alleged that prayers had been allowed at pep-rallies, before sporting events, at drama cast parties, as well as at graduation. Bud

Scruggs, chief of staff for Utah Governor Norman Bangerter, acknowledged that prayers before such events as sporting competitions and cast parties have been ruled unconstitutional and personnel who encouraged such prayers reprimanded. He indicated that the suit would focus on the question of prayers at graduation.

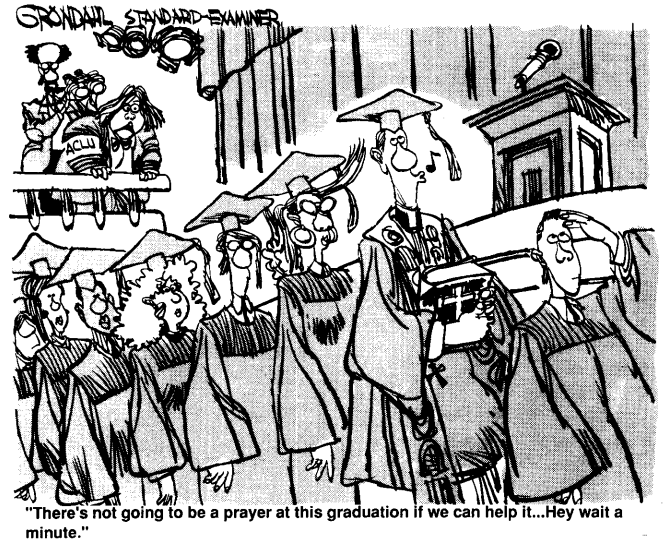
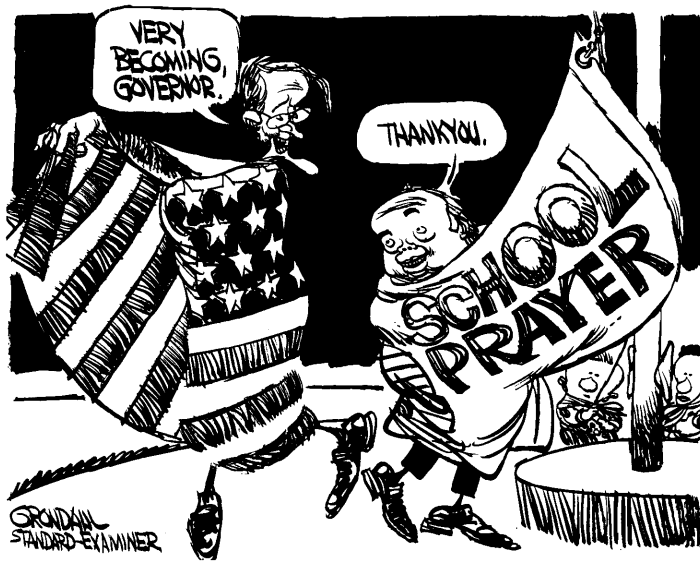
Governor Bangerter entered the debate by accusing the ACLU of

"swatting a gnat with a bulldozer" and burning up public funds in trivial court battles. But he pledged to sponsor a one-time supplemental appropriation package to help defray the costs the districts would incur by litigating the case. He said, "We don't want textbook and salary dollars being spent for litigation." However, after promising to support the school districts in their fight, Governor Bangerter said he would not oppose putting the lawsuit on hold until a Rhode Island case involving graduation prayers was settled. Douglas Bates, counsel for the Utah State Education Office, said the Utah ACLU suits were a waste of time since the Rhode Island case was likely to reach the U.S. Supreme Court before the Utah suits.

In early August the First U.S. District Court of Appeals upheld a Rhode Island ban on graduation prayer which the Providence School District appealed in late October. The Supreme Court will decide by January 1991 whether to hear the Rhode Island case.

Utah state officials plan to file a friend-of-the-court brief and to appropriate money to urge the Court to hear the case. They have asked the ACLU to suspend legal action until the Rhode Island case is decided. Parish-Pixler has refused to withdraw the case, however. "We tried to resolve this ahead of time out of court," she said. "All of our attempts were rebuffed. We didn't want to initiate litigation, but we've not heard any reason to stop." The ACLU has





doubts that the Court will decide to hear the Rhode Island case.

After the ACLU filed suit in July a fusillade of letters and columns dominated the editorial pages of Utah newspapers. High school senior Brady Young wrote that non-Mormons should be more tolerant. He believed that prayer at graduation was a "part of learning to understand fellow human beings, their beliefs, their convictions, those things that make them who they are." Speaking at an Independence Day celebration in Provo, Utah, Apostle Russell M. Nelson also criticized the campaign against graduation prayers saying, "That we should so disregard Deity who gave us freedom is indeed a pitiful parody."

Parish-Pixler asserted that many non-Mormons were afraid to oppose the issue because "they're afraid they'll lose their jobs or that their children will be retaliated against in schools."

Meanwhile, back in Idaho, officials in the Madison School District in Rexburg, Idaho, face similar antagonisms. Several families have filed suit against the district for allowing the lines between the Mormon church and state to blur. Families filing the suit through the ACLU say they object to prayer at graduation, holding graduation exercises at Hart Gymnasium on Church-owned Ricks' campus, and to being asked if they are Mormon or which ward they

belong to. The Madison School Board says, "those charges that dealt with one-time isolated incidents are easily corrected, but it takes longer to change habits of speech and mannerisms that have been developed over the years." The Board says it will continue to hold graduation on the Ricks campus because it is the only facility large enough to accommodate the graduating classes. But Madison officials have agreed to abide by the pending court decision in Utah regarding prayer at graduation ceremonies. They want to avoid their own costly battle because they say "the bitterness and expense of a legal battle to determine the issue would leave scars that would take years to heal."

And in Rockland, the community is currently trying to salve the injuries inflicted by their school/church battle. The case has been settled out of court, school officials admitting their practices were illegal. In compliance with the settlement, LDS residents have built a new seminary building on donated land across the street from the public school. Church announcements have been removed from school bulletin boards, and school officials have halted the practice of praying before athletic and other school-sponsored events. Graduation this year was held in the leaky school gym instead of what Cloyd Barker calls "the nicest building in town," the

LDS chapel. The ceremony did not include prayer. The objectionable religious practices have been removed from the school domain, but the hostility remains. School Board Member Cloyd Barker conceded his school had crossed the constitutional line. "I had no trouble with the fact that we were having prayer and apparently it was illegal. We decided we would no longer do that," he said. But he dismissed as "outright nonsense" that the school district fell under LDS control. "That's never been proven," Barker said. Barker, too, claims to have suffered from the legal controversy. "It's been extremely disruptive to me personally, to my wife, to the school board members," he said. "It's been very destructive because they [the plaintiffs] included us personally in the charges."

Carol Brown has had to close her beauty shop because her Mormon clients have quit patronizing the shop. Brown's daughter, Joey, will salvage her senior year of high school by transferring to American Falls, thirty miles north of Rockland. She says, "I just want to have fun again. I like the town, I just wish it wasn't so hateful." Responding, school board member Jon May insists, "We haven't run [them] out of town or anything, even though they tried to stab us in the heart." As the dust settles, Rockland's bishop has urged members to control their swelling animosity.

Eventually, the courts may rule that prayers are not allowed at government-related events, but all sides could use a little more prayer in their hearts. ☐

ONE FOLD

AUSTRALIANS PROPOSE END-OF-MARRIAGE CEREMONY

THE NATIONAL mission director for the Uniting Church in Australia, John Brown, says the church needs to develop an end-of-marriage ceremony to set divorced people free from their feelings of guilt and failure. Jim Palmer, of the Anglican Marriage Guidance Council in Melbourne, agrees. He says many Christians continue to feel guilty after the breakdown of their marriage "until they have formally and liturgically received release from their previous vows." Brown says the church still needs to emphasize marriage preparation and enrichment, but when all efforts have failed, it should encourage people to move beyond the breakdown of their relationship. (*Ecumenical Press Service*)

THE ASSOCIATION OF MORMON LETTERS will hold its annual symposium Saturday, 26 January 1991 at Westminster College, Salt Lake City. The deadline for submitting papers has passed, but nominations for annual awards are still being accepted. These awards are given for works of Mormon literature published during 1990 such as novels, short stories, poems, personal essays, criticism, and at times, for works outside of these categories. Current bibliographical information and, if possible, a copy of the item should be sent to the 1991 awards committee chair, Dennis Clark, 137 East 100 North, Orem, Utah 84057 (801/226-1789).

THE JOHN WHITMER HISTORICAL ASSOCIATION recently awarded Marvin S. Hill, history professor at Brigham Young University, the 1990 Best Book award for his book *Quest for Refuge: The Mormon Flight from American Pluralism*.

THE 1991 NEW TESTAMENT LECTURE SERIES sponsored by the Sunstone Foundation and the Student Religious Forum will host a monthly lecture on the second Tuesday of each month. The first will be on 8 January by the Reverend Barbara Hamilton-Holway of the South Valley Unitarian Universalist Society. On 12 February Ed Firmage, Jr., a Ph.D. candidate in Near Eastern studies at Berkeley, will discuss the nature of government in the New Testament. Both lectures will be held in room 101 of the James Fletcher Building at the University of Utah, \$2 donation. To receive a notice each month of the upcoming lecture send your name and \$5 to Sunstone, 331 Rio Grande Street, Suite 30, Salt Lake City, UT 84101-1126 (801/355-5926).


1991 SALT LAKE SUNSTONE SYMPOSIUM will be held earlier than usual, on 7-11 August at the University Park Hotel. Proposals for papers or panel discussions are now being accepted. Send to Cindy Dahle, Sunstone, 331 Rio Grande Street, Suite 30, Salt Lake City, UT 84101-1126 (801/355-5926).

THE SOCIETY FOR THE SOCIOLOGICAL STUDY OF MORMON LIFE is having its annual lecture on Wednesday, 6 February 1991, at Brigham Young University. Lee L. Bean and Geraldine P. Mineau from the University of Utah will address the topic, "Demographic Characteristics of Women on the American Frontier." Contact Larry Young for information on the room and time (801/378-2107).

The following individuals were recently elected as SSSML officers: president, **Tim B. Heaton**, BYU; president-elect, **O. Kendall White**, Washington & Lee University; secretary/treasurer, **Kristen Goodman**, Research & Evaluation, LDS church. New board members: **Richley Crapo**, Utah State University; **Bron Ingoldsby**, Ricks College; **Gordon Shepherd**, University of Central Arkansas.

SUNSTONE SYMPOSIUM WEST will be held in the San Francisco Bay Area on 1-2 March 1991. To submit proposals and for more information, contact: Steve Eccles, 1482 Winston Court, Upland, CA 91786 (714/982-4752).

THE WASHINGTON, D.C., SUNSTONE SYMPOSIUM will be held on 19-20 April 1991 at the American University Campus. Proposals for papers and panel discussions are now being accepted. Contact: Donald Gustavson, 413 Clearview Avenue, Torrington, CT 06790 (203/496-7090).

The Sunstone Calendar reports events and notices of Mormon-related organizations. Submissions are requested. 

TEMPLE RECOMMENDS TO BE REQUIRED FOR BYU FACULTY

EXCERPTED BELOW is item #6 from the minutes of the Deans' Council of 1 October 1990 at Brigham Young University.

6. Temple recommend requirement, termination for cause
Provost [Bruce] Hafen informed deans that after some research it has been verified that a temple recommend is a condition of employment at BYU. After discussions in President's Council and Academic Vice President's Council, it was agreed to appoint a committee to review how this should be implemented. A related issue is those who have temple recommends but undermine the faith. Deans should send committee nominations to Provost Hafen.

ACLU SEEKS OVERTURNING OF POLYGAMY LAWS

THE AMERICAN Civil Liberties Union says it plans to attempt a reversal of state laws forbidding polygamy. ACLU officials note that American society is becoming increasingly tolerant of alternative lifestyles and public opinion is probably ripe for such legal action. Says Utah ACLU executive director Michele Parish-Pixler, "I can't see that there's any rational justification for prohibiting [polygamy]. As long as it is between consenting adults, it ought to be permitted."

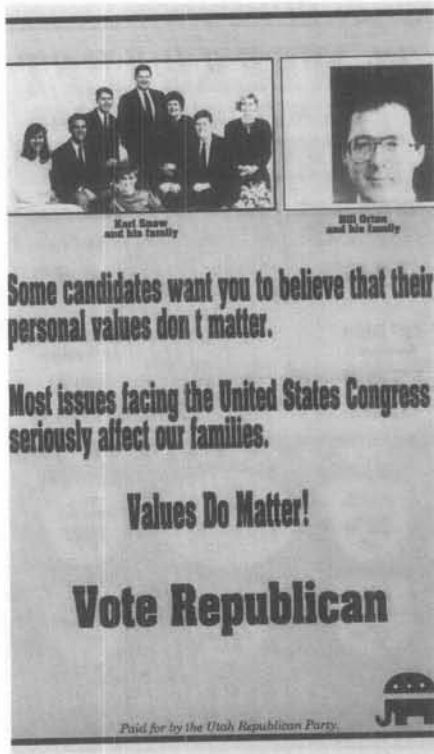
EX-MORMON PROTESTS VOTING AT CHURCH

AN EXCOMMUNICATED Mormon who objects to voting in his former ward building has declined Salt Lake County Clerk Dixon Hindley's offer to allow the person to vote by absentee ballot or to use a "curbside voting" service. Both absentee ballots and curbside voting services are provided to people who are unable to enter a polling place. "We have permitted such voting in cases of persons who have physical problems or other concerns about entering a particular polling place," Hindley said. Attorney Brian Barnard, who represents the ex-Mormon, finds Hindley's solution offensive. "Until such time as the law is changed, I'm not going to encourage my client to lie [about being disabled]," Barnard said his client has not yet decided whether to file suit. In a related case, a non-profit group calling itself the Society of Separationists Inc. has asked fourteen Utah counties to halt the "disturbing" and "unconstitutional" practice of using churches—Mormon and non-Mormon—as general election voting places.

"This use of churches is a significant constitutional problem since voting is one of our most fundamental civil rights," the group wrote to each county. Chris Allen, director of the society, rejects the argument that churches are used out of necessity to meet federal requirements for handicapped accessibility: "It doesn't really matter. As we read it, the law requires [voting outside of churches] and it seems most of the counties in the state are able to do that."

Speaking of LDS chapels, Merrilea Jones, Salt Lake County elections clerk, said the Church is very restrictive about such uses of its buildings, requiring the government "to show there's no other alternative."

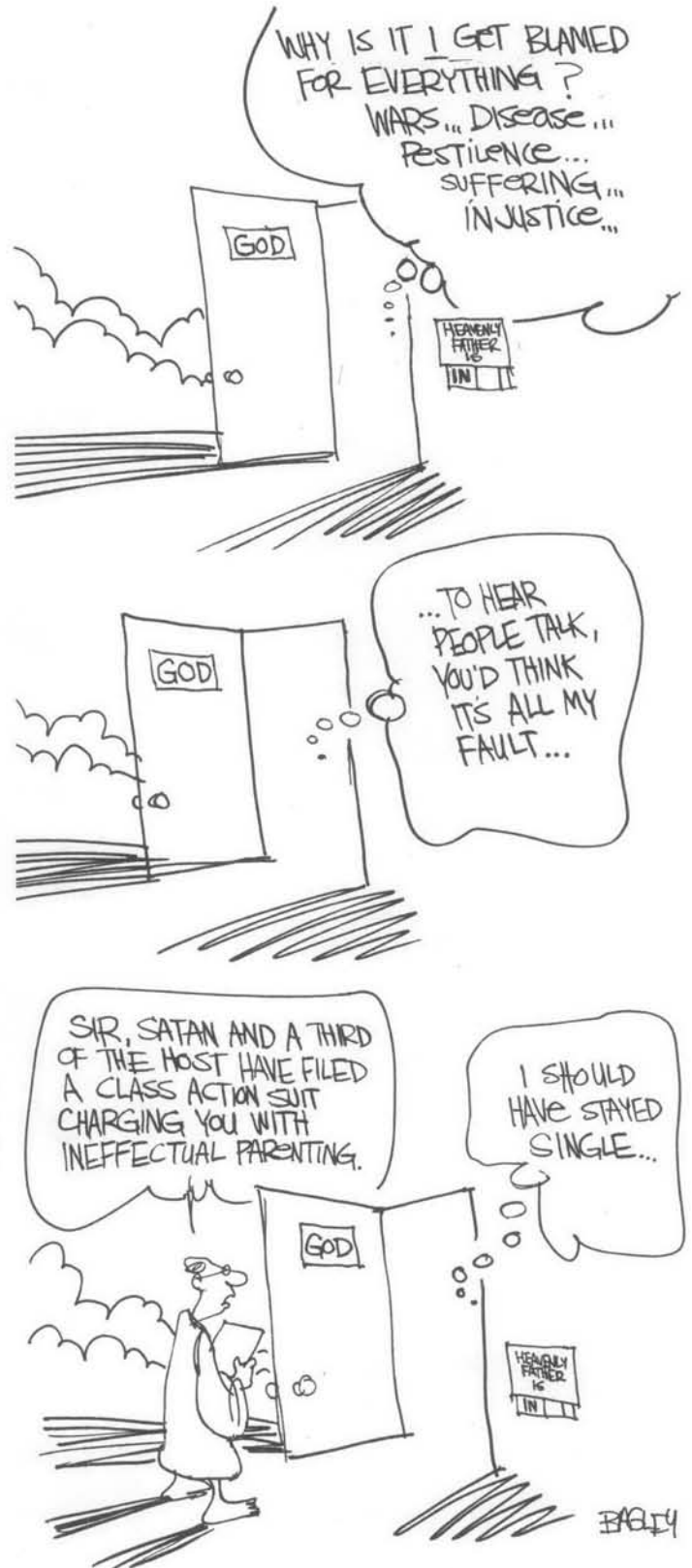
The Duchesne County Commission replied to the Society with an informal letter which said, "We would appreciate it very much if you would kindly mind your own business." (*Salt Lake Tribune*)

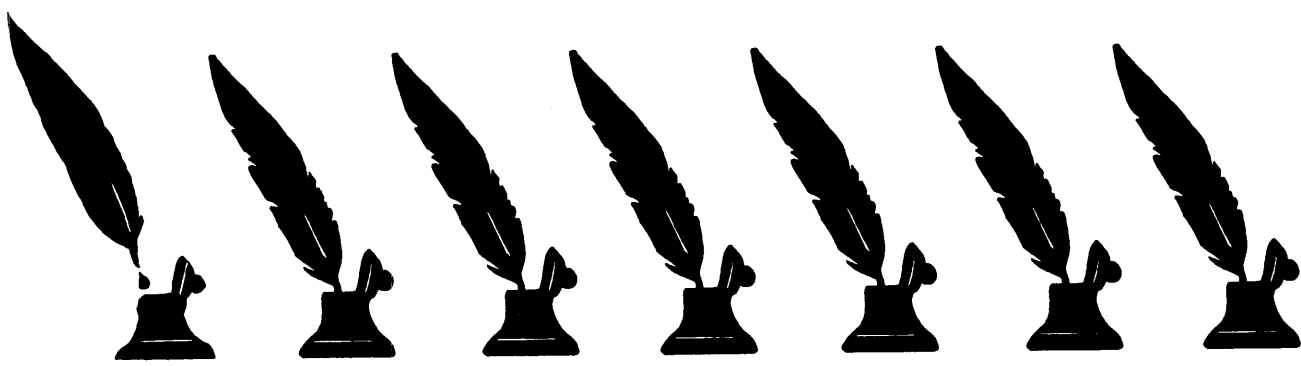


SNOW JOB CAUSES AVALANCHE

TWO DAYS before the recent election in Utah's Third Congressional District, the GOP ran an advertisement in the *Utah County Journal* which showed a picture of Republican Karl Snow, his wife, and six grown children with the caption "Karl Snow and his family." Next to it was a photo of Democrat Bill Orton's face, with the caption "Bill Orton and his family." The ad clearly insinuated that as a single man Orton doesn't hold family values and caused an uproar in the media and repulsed high party leaders. "I was totally offended," said Senator Orrin Hatch. "I've seen a lot of stupid things in politics, but this ad was the stupidest thing I've ever seen."

Although the ad was a last-ditch effort to save Snow's languishing campaign, it helped contribute to the unprecedented election of a Democrat from the "most Republican district" in the United States. When Orton won the election by a twenty-one percent margin, the *Utah County Journal* ran the cartoon below.





Choose the Write!

THE 1991 BROOKIE & D.K. BROWN MEMORIAL FICTION CONTEST

SUNSTONE's annual fiction contest is sponsored in memory of Brookie Brown and Donald Kenneth Brown, a nationally respected law enforcement officer and locally admired Arizona religious leader with a great love of literature.

SUNSTONE encourages all interested writers to enter. Submissions should relate in some manner to the experience of the Latter-day Saints. All varieties of form, theme, tone, and attitude are encouraged. Entries will be judged by a board of independent judges. Awards will be announced on 10 August 1991 at the Sunstone Symposium XIII banquet. Winning stories will be published in *SUNSTONE* magazine.

Up to \$1,000 in cash prizes will be awarded by the Brown estate to the winning entries in these categories:

SHORT SHORT STORY

Short short stories may not exceed 1,000 words.

SHORT STORY

Short stories may not exceed 6,000 words.

RULES

1. One author may submit no more than three stories. Each story must state whether it is an entry for the short story or the short short story category. Entries must be delivered to the Sunstone Foundation or be postmarked by 1 June 1991.

2. Stories must be typewritten, double-spaced, on one side of 8½ by 11 inch paper (not onion skin). Since manuscripts will not be returned, contestants should keep copies of their entries.

3. Each entry must be accompanied by a signed statement attesting that it is the author's work, that it has not been published previously, that it is not being considered elsewhere for publication, and that it will not be submitted elsewhere until the contest results have been announced. Only contest winners will be published in *Sunstone* magazine.

4. Each entry must be accompanied by a signed statement granting permission for the manuscript to be filed in the Sunstone collection at the University of Utah Marriott Library Archives (all literary rights are retained by the author).

1990 BROOKIE & D.K. BROWN AWARDS

FIRST PLACE	Kristin Smart Rogers	"Birth of the Blues"
SECOND PLACE	Kristin Smart Rogers	"What God Looks Like"
	Margaret Young	"In Search of Spilled Rootbeer"
	Larene Rowley Blaine	"Nightwatch"
SHORT SHORT STORY	Hodgson VanWagoner	"Our Palace of Green & Gold"