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THE NATION

ACLU Sues Over Mormon Lease on Land

The civil liberties group says the deal to control Wyoming's Martin's Cove, a national historic site, amounts to federal endorsement of religion.

By Henry Weinstein
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A clash over the federal government's right to lease a national historic site in Wyoming to the Mormon Church moved to court Wednesday as the American Civil Liberties Union filed suit, arguing that the government violated the constitutional bar against endorsing religion.

The battle — the latest over the presence of religion in national parks and national historic sites — centers on the Martin's Cove historic site, 55 miles southwest of Casper.

In 1856, 150 Mormon pioneers on their way to Salt Lake City died in a blizzard near Martin's Cove, and the Church of Jesus Christ of Latter-day Saints has sought control of the area for many years.

In recent years, the church has sponsored treks to the area, and thousands of Mormons come yearly dressed in period costumes.

But the site has a broader relevance to American westward migration. It is on a route where four major trails converged. Half a million settlers traveled those trails between 1841 and 1869 in search of farmland in Oregon and gold in California as well as religious freedom in Utah. The trails are administered by the National Park Service, in cooperation with the U.S. Bureau of Land Management.

After protests scuttled government plans to sell the area to the Mormon Church, Congress passed a law in 2003 requiring the Bureau of Land Management, a unit of the Interior Department, to negotiate a long-term deal with the church, which then received a 25-year lease for 933 acres of public land at \$16,000 a year.

The ACLU's suit charges that the law gives the church "complete and unfettered control over both an important federally owned historic site and the message that visitors to the site receive."

"The church has been given the go-ahead to create on federal property a Mormon shrine that

incorporates the church's own historical and religious interpretation of the events that occurred in Martin's Cove," states the suit, filed on behalf of four Wyoming residents and the Western Land Exchange Project, an environmental advocacy group.

The suit names as defendants Secretary of the Interior Gale A. Norton and BLM Director Kathleen Clarke.

Neither the Mormon Church nor any of its affiliates is a named defendant in the suit. However, Lloyd Charles Larsen, a Mormon official in Riverton, Wyo., said he regretted that the suit was filed.

"Martin's Cove is an integral part of this nation's treasured pioneer story, and should be accessible and appreciated by all," Larsen said. "Without the church's willingness to make this remote area accessible to visitors and tell the story of those who died there, it would still be isolated and unappreciated."

About 100,000 people a year visit Martin's Cove. According to the suit, all visitors must enter by way of the Mormon visitor center on a nearby church-owned ranch. At the center, Mormon missionaries make a presentation describing hardships faced by Mormons who traveled there in the 19th century, including a video explaining the religious significance of Martin's Cove. The lawsuit estimates that about 85% to 90% of the visitors are church members.

Trails to Martin's Cove and surrounding land are decorated with the logos of the BLM and the Mormon Church.

One of the plaintiffs in the suit, Susan M. Wozny of Laramie, Wyo., who is not Mormon, said that when she visited the site in August, she was repeatedly asked by Mormon guides about her religious affiliation and was barred from an area of the trail. She said she was told that Mormons had died there and it was "sacred" and "hallowed ground."

Another plaintiff, Kevin Holdsworth, a professor at Western Wyoming Community College, said that Mormon domination of the area meant that visitors were receiving a constricted presentation of the site's significance. "The history of Western emigration does not belong exclusively to the [Mormon] Church, or to any other group," Holdsworth said. As a descendant of Mormon pioneers, he said, he was "offended and troubled that their suffering and deaths will be co-opted and used for proselytizing purposes."

Holdsworth said the official Mormon explanation of the 1856 tragedy did "not tell the whole story" and excluded "any narratives or interpretations that are not consistent with or supportive of the church-approved message about the site."

The Land Exchange Project is a Seattle-based nonprofit organization advocating more public participation in decision-making about federal lands. In 2002, the project opposed the government's initial plans to sell the Martin's Cove property to the Mormon Church.

The suit, before a federal district judge in Cheyenne, Wyo., contends that that the 2003 law violates the establishment clause and the free-speech clause of the 1st Amendment and seeks an injunction prohibiting the Department of the Interior or the BLM from implementing the lease.

Cindy Wertz, a spokeswoman for the BLM in Wyoming, said the agency was reviewing the lawsuit and had no immediate comment.

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