I'VE NEVER liked Mormon history. Probably the result of early-morning seminary trauma. The only memories that remain are Tom Trails tunes and sleepy girls in pink curlers; I've repressed everything else. The difference between Martin Harris and John Whitmer? Got me.

Despite my ignorance and indifference, on Thursday, 30 May, I flew to the Mormon History Association annual meeting in Claremont, Ca. The MHA invited me to talk about the history of Student Review—a surprise—and BYU offered to pay the bill—even a bigger surprise. So I went. It's Monday now, I'm back in Provo, and it seems as if I've been away a year. No, the weekend wasn't drudgery—far from it. I simply met so many new people and ideas in the last three days that I somehow feel different. Renewed. Expanded.

For me, two metaphors best describe the MHA conference: a family reunion and a living library. I noticed the family reunion aspect right off, as 200 to 300 people gathered to share events of the past year, personal as well as professional—quite unlike other academic conferences I've attended, where snobbery wafted through the halls and intellectual cold shoulders nudged me aside. In contrast, the MHA members embraced me into their family. From the first “Hi, I don't think I've met you yet,” to the parting “See you next year in St. George,” I felt welcome, easily integrated, eagerly adopted.

And I found that the MHA family is as diverse as it is welcoming: from atheist to devout, LDS to RLDS, hobbyist to scholar, every appendage seems a welcomed addition to the body. While the LDS dominate, they appreciate diversity. One member told me that the RLDS are the leaven in the loaf; without them the conference would fall flat.

The MHA conference also gave me access to a library that walked and talked and asked me what I thought. Instead of just reading history books, I met the people who wrote them. Instead of turning gray pages, I saw the whites of the writers' eyes. To be honest, I was surprised by how many names I recognized. Somehow over the years I'd read many of these scholars; these were the folks who had unsettled and reshaped my Mormon past and present. And they were no longer mere names on a page; they were my friends. Now when I read their works, I can see their faces, hear their voices, and better understand their ideas.

The best thing about the MHA weekend is not listening to scholarly papers; it's what happens outside the sessions, in the halls, on the bus. The sessions sometimes seemed an excuse for calling the MHA family together. At mealtimes I often found myself sitting with fascinating family members: the president of Deseret Book, a dean from Weber State University, a nonmember Mormon history scholar from Georgia Tech, a columnist for the Deseret News. Yet sometimes people without official titles proved to be the most intriguing.

Consider Steve Mayfield, one person explained. "He has his own history." She told me that the anti-Mormon Tanners had written an entire pamphlet about Steve: "Unmasking a Mormon Spy." The next day I cornered Steve. True, he said. For about five years he infiltrated the anti-Mormon organization by posing as an ex-Mormon, representing no one but himself. Then he got caught. Of course, the Tanners and company were furious; they retaliated by writing a not-very-accurate pamphlet. An honor, I'd say.

When I met Wayne Mort of New York, I met my first nonmember Mormon history hobbyist. A high school French teacher and an Episcopalian, Wayne gives lectures to both LDS missionaries and nonmembers on Mormon history. On the bus tour to history sites, I updated his notions about BYU: an underground press, new dress standards, a woman student body president. Definitely post-50s.

On the return bus trip I didn't see anything out the window—I was talking to Harold Christensen, a retired Purdue sociologist. He once did a longitudinal study that compared BYU students from the 30s with those from the 70s. The results showed increasing conservatism. "Why do you still come to MHA?" I prodded. The like-minded people and the intellectual stimulation, he said.

In such an atmosphere, conversation is the main event. One night as a group of us rambled on well past bedtime, Richard Howard, the church historian for the Reorganized church, told me an interesting bit of trivia: some

**PECULIAR PEOPLE**

**LDS GROWTH IN THE 1980S**

<table>
<thead>
<tr>
<th>Region</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Mexico-Cent. America</td>
<td>16%</td>
</tr>
<tr>
<td>U.S.-Canada</td>
<td>35%</td>
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<tr>
<td>Other U.S.-Canada</td>
<td>9%</td>
</tr>
<tr>
<td>Asia-Africa-Pacific</td>
<td>12%</td>
</tr>
<tr>
<td>Europe-British Isles</td>
<td>4%</td>
</tr>
<tr>
<td>S. America</td>
<td>23%</td>
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</tbody>
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According to the 1991-1992 Church Almanac, the Church grew from 4.3 million members in 1980 to 6.8 million in 1989. Using values in the 1983 almanac to estimate the geographic distribution of 1980 (dates for membership figures by region are not reported, but the sum across regions approximates the total given for 1980) and the reported membership in each region for 1989, it is possible to estimate the share of growth in each region. Utah accounts for only 9 percent of the growth even though it contained over a quarter of the membership at the beginning of the decade. By 1989, fewer than one out of five Mormons lived in Utah. Europe and the British Isles have added only a small share to the membership. Even though there has been dramatic success in some Asian countries, Asia, Africa, and the Pacific collectively added only about 12 percent of the growth. Expansion outside the Wasatch Front is evident as is rapid growth in Mexico, Central, and South America. Over half of the growth occurred outside the United States and Canada. If these regional growth patterns continue into the future, within fifteen years over half of the membership will reside in Latin America.
RLDS apostles answer their own phones. Bureaucracy busters. Later, an LDS historian added his institutional tidbit to our discussion: While living in the same ward as Bruce McConkie and another apostle, he remembers Elder McConkie insisting on being called “Bruce,” though the historian never dared call the other apostle by his first name.

Between sessions the next day I remember talking with two other scholars. “How’s your book doing?” one asked the other.

“Quite well. In a second printing now.”

“How about your new book?”

“Not done. I’m rooming with my editor, and she’s really bugging me about it. Trust me: Don’t ever room with your editor.”

The continual chatter that started before breakfast and continued past midnight sparked my intellectual and social curiosity. What does it mean to be a community? How does Mormonism buck mainstream America today? What kind of article might the Ensign editor in attendance write on the MHA conference after rubbing shoulders with editors from—watch out—SUNSTONE and Dialogue? Did Curt Bench, a book collector I met there, have any involvement with Mark Hofmann?

Yes, I did attend the sessions—and enjoyed most of them. In one session Jan Shipp, a nonmember historian, explained how we Mormons became an ethnic group. We developed close blood ties, we dominated a geographic region, and we lived within a powerful organizational structure. (Me, ethnic?) Because my mind was exploring the possibilities of minority scholarships and affirmative action, I may not have understood the rest of her paper: Current trends, like third-world growth and decentralization, are now erasing Mormons’ literal ethnic status and leaving us more like the early Saints—a peculiar people, metaphorically speaking.

Kathryn Daynes spoke on divorce in nineteenth-century Utah. Those Mormons she said (my ancestors, I said) had a different view of marriage than Mormons today. The idea was to get sealed to a mate that would be worthy of the celestial kingdom. If the mate wasn’t worthy, the expedient thing was to divorce and remarry—or at least get sealed to—a celestial companion. Apparently Brigham Young rarely denied women’s divorce requests, quite different from today’s “stick together” and “work it out” standard.

I listened to two papers on the 1960s. Jeff Johnson explained the Church’s response to the civil rights movement and the erosion of traditional values. In reaction to the changing times, he said, the Church became increasingly conservative, emphasizing management and control, a mode we’ve never quite left behind. I suppose much like BYU’s no-beard standard that grew out of the 60s rebellion and became institutionalized.

An RLDS scholar, Roger Launius, recounted the dynamics of the RLDS reformation during the 60s. From the second level of hierarchy, through the church publications, to the members, the RLDS church retook itself in the 60s, downplaying their distinctive LDS roots and emphasizing Protestant values. I heard other RLDS speakers talk about the unsettling effect of this sudden shift. In ten years’ time they created a new church, and some members had difficulty adjusting. I wondered how I would have responded if I been RLDS and old enough to understand the change.

During a closing plenary session one BYU professor sitting beside me pointed out what’s called the “graying of MHA.” The average age of members climbs each year, fewer younger scholars join. I surveyed the audience and realized that I was perhaps the only one there who couldn’t remember Vietnam, the Beatles, JFK, or MLK. The professor whispered, “I’m glad you’re here.” So was I. And yes, barring death or a honeymoon, I’ll attend next year’s MHA conference in St. George—even if I don’t get a paper together. Wouldn’t miss it.

I still don’t have a compelling interest in Mormon history, but I now know that Mormon historians are fascinating folk.

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**AWARDS**

**MORMON HISTORY ASSOCIATION**

**Awarded at the 1991 Annual Meeting**

**NON-MHA AWARDS**

Grace Forte Arrington Award for Historical Excellence

LAVINA FIELDING ANDERSON

William Grover and Winnifred Foster Reese History Award

IRENE BATES


University of California, Los Angeles

MHA AWARDS

Editor’s Award for Journal of Mormon History

CAROL CORKWELL MADSEN

“Feme Colbre: Journey of a Metaphor”

Journal of Mormon History, 17

T. Edgar Lyon Best Articles Awards

Biography

NEWELL G. BRINGHURST

“Fawn M. Brodie: Her Biographies as Autobiographies”

Pacific Historical Review, May 1990

Documentary/bibliography

ROGER LAUNIUS

“Whither Reorganization Historiography?”

John Whitmer Historical Association Journal, 1990

Interdisciplinary

DEAN R. LOUDER

“Canadian Mormon Identity and the French Fact” in The Mormon Presence in Canada

Nineteenth Century History

SUSAN FAYLES

“Artisans, Millhands, and Laborers: The Mormons of Leeds and Their Nonconformist Neighbors” in Mormons in Early Victorian Britain

Twentieth Century

MARK GROVER


**Other MHA Awards**

BYU Women’s Research Institute Award for Women’s Studies

CAROL CORKWELL MADSEN

“‘At Their Peril’: Utah Law and the Case of Plural Wives, 1850-1900”

Western Historical Quarterly, November 1990

Francis & Emily S Chipman Best First Book Award

ROGER I. ANDERSON

Joseph Smith’s New York Reputation Revisited

Signature Books

Steven F. Christensen Documentary History Award

S. GEORGE ELLSWORTH

The Journals of Addison Pratt

University of Utah Press

Elia Larsen Turner Best Biography Award

MILTON R. MERRILL

Reed Smoot: Apostle in Politics

Utah State University Press

MHA Best Book Award

ROGER D. LAUNIUS

Father Figure: Joseph Smith III and the Creation of the Reorganized Church

Herald House

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AFFIRMATION: GAY AND LESBIAN MORMONS will hold its thirteenth annual conference on 11-13 October 1991 at the Erawan Garden Hotel in Indian Wells, CA, just outside of Palm Springs. The conference theme is "Now Let Us Rejoice." It will feature guest speakers, workshops, entertainment, and socializing. Contact: Affirmation, Gay and Lesbian Mormons, PO Box 46022, Los Angeles, CA 90046 (213/255-7251).

THE ASSOCIATION FOR MORMON LETTERS will hold its annual symposium at Westminster College in Salt Lake City on Saturday, 25 January 1992. Contact: Richard Cracroft, English department, Brigham Young University, Provo, UT 84602.

AML will sponsor a session on Mormon literature at the annual conference of the Rocky Mountain Modern Language Association held at Arizona State University at Tempe on 17-19 October 1991. Richard Cracroft will speak on "Spiritual Humanism in the Poetry of Emma Lou Thayne; Lisa Orme Bickmore and Susan Howe will read selections from their poems; and Pauline Mortensen will review Harvest: Contemporary Mormon Poems.

THE CENTER FOR STUDIES ON NEW RELIGIONS (CESNUR) sixth international seminar will be devoted to three facets of the challenge of magic: spiritualism and spiritism, esoterism and occultism, and satanism. The seminar will be held in Lyon, France, at the Bibliothèque Municipal on 6-8 April 1992. Proposals are limited to academic papers in the areas of sociology, history, anthropology, ethnology, or psychology. Send proposals before 15 October 1991 to: CESNUR, Dr. Massimo Introvigne, Via Bertolla 86, 10122 Torino, Italy (telefax: 39-11-535916).

THE JOHN WHITMER HISTORICAL ASSOCIATION, an RLDS historical organization, will hold its annual meeting on 27-29 September 1991 in Plano, IL, the place where Joseph Smith III nurtured the Reorganized Church in its early years. The meeting will feature historians Newell Bringhurst and Davis Bitton as well as visits to historic sites. Contact: Alma R. Blair, Graceland College, Lamoni, IA 50140.

LOVE NOTES is a New Age journal produced by Thomas L. Davies and Roger B. Lewis. Its purpose it to provide a forum for the exploration of the effectiveness of love in resolving personal, marital, religious, social, political, and international conflicts. The editors invite contributions in the form of letters, short essays, personal experiences, and book reviews. Send submissions and requests to be on Love Notes’ mailing list to: Thomas L. Davies, 96 S. 1000 West, Orem, UT 84058.

THE MORMON HISTORY ASSOCIATIONs twenty-seventh annual meeting will be held in St. George, UT, 14-17 May 1992. Proposals for papers or panel discussions should include the session title, a 150 word description which includes methodology and historical significance, and a brief vita. Contact: St. George Program Committee, Mormon History Association, PO Box 7010, University Station, Provo, UT 84602.

Proposals for a Mormon History Association-sponsored sessions at Sunstone symposiums should be sent to the following individuals:

- Washington D.C. Symposium, Craig Foster, 348 N. 400 W. #4, Provo, UT 84601 (801/374-2327); Symposium West, B. Carmon Hardy (714/639-4722); Northwest Symposium, Elbert Peck (801/355-5926); Salt Lake Symposium, Curt Bench (801/532-3100).

ZION QUEST is a new quarterly newsletter designed "to share ideas and experiences concerning modern-day application of the Law of Consecration and Stewardship, to promote Zion attitudes and the preparation of a people 'pure in heart,' to network and make connections with others who desire to advance the cause of Zion." Subscriptions are $15. Contact: ZionQuest, PO Box 329, Viroqua, WI 54665.

SUNSTONE LECTURES AND SYMPOSIA

1991 NEW TESTAMENT LECTURE SERIES features a monthly lecture on the second Tuesday of each month. On 10 September Stephen Ricks will speak on "The Old Testament in the New: Israel-like Festivals and Narrative Framework in the Gospel." On 8 October Daniel Peterson will speak on "James: The Most Islamic Epistle."

Lectures are held in the Social Work Auditorium at the University of Utah (the two-story building west of the Social and Behavioral Science tower); $2 donation. To be mailed a monthly notice of upcoming 1991 lecture, send your name and $2 to Sunstone, 331 Rio Grande Street, Suite 30, Salt Lake City, UT 84101-1136 (801/355-5926).

1991 SUNSTONE NORTHWEST SYMPOSIUM will be held on 8-9 November at the Mountaineers Building in Seattle, WA. Proposals for papers and panel discussions are now being accepted. Volunteers interested in helping organize the conference are needed. Contact: Molly Bennion, 1150 22nd Avenue East, Seattle, WA 98112 (206/325-6868).

1992 SUNSTONE SYMPOSIUM WEST will be held on 6-7 March at Burbank Hilton. Proposals for papers and panel discussions are now being accepted. Volunteers interested in helping organize the conference are needed. Contact: Steve Eccles, 1482 Winston Court, Upland, CA (714/982-4763).

1992 WASHINGTON D.C. SUNSTONE SYMPOSIUM will be held on 10-11 April on the American University campus. Proposals for papers and panel discussions are now being accepted. Contact: Don and Lucinda Gustavson, 413 Clearview Ave, Torrington, CT 06790 (203/496-7090).

SUNSTONE SYMPOSIUM XIV will probably be held during the first or second week in August. Dates will be available by late September. Contact: Cindy Dahlie, Sunstone, 331 Rio Grande Street, Suite 30, Salt Lake City, UT 84101-1136 (801/355-5926).

1992 CHICAGO SUNSTONE SYMPOSIUM will be held sometime in October 1992. Contact: Becky Linford, 461 Elm Court, Naperville, IL, 60540-0348 (708/778-9551).
UTAH SUPREME COURT DECIDES POLYGAMIST ADOPTION CASE

By Ken Driggs

THE UTAH Supreme Court on 27 March 1991 ruled that polygamists could be considered by state juvenile courts as candidates to adopt children. The 3-2 decision was further evidence of increasingly tolerant judicial attitudes toward fundamentalist Mormons who continue to practice religiously motivated polygamy.

The sharply divided court made a point not to extend special protections to polygamy, but did afford polygamists the same standing as other litigants in adoption proceedings. Without mentioning it by name, they seemed to reverse a 1955 decision, In Re Black, which held that polygamists were social outcasts with no rights to their own children.

The case In the Matter of the Adoption of W. A. T., et al, involved a Hildale, Utah, couple who sought to adopt the children of another of the husband's plural wives who had died of cancer. Vaughn and Sharane Fischer were legally married in 1964. A second plural wife also lived in the home and had children by Vaughn. In 1987 a third wife with six children by a previous polygamous marriage entered the home. Proceedings for Vaughn Fischer to adopt the third wife's children began in 1987 while she was still alive and appeared before the court to voice her approval. With her death from cancer, her relatives intervened and asked that the adoption petition be thrown out because of Fischer's freely acknowledged polygamy. The Fifth District Juvenile Court in Washington County agreed, largely because of In Re Black, and dismissed the petition.

On appeal to the Utah Supreme Court, the case gained national attention. It was covered extensively by the New York Times, the Washington Post, and The Ladies' Home Journal. CNN broadcasted the oral arguments live. The Utah chapter of the American Civil Liberties Union (ACLU) filed briefs on behalf of the Fischers and experienced considerable internal division as a result. A child advocacy group, Utah Children, weighed in against the Fischers. The Fischers were represented by St. George attorneys Steve Snow and Dave Nuffer, both active members of the LDS church.

The case was argued in the Utah Supreme Court in June 1989. Utah newspapers described the oral argument as both bitter and divisive. At one point, counsel for Utah Children was chastised by one justice for her "emotional overtones."

The 3-2 ruling came 21 months after the argument. The six children involved stayed in the Fischer home pending the appeal. Two are now adults and have elected to remain; a third is approaching majority.

The Supreme Court's decision now reminds the matter back to the juvenile court for an evidentiary hearing as to whether, in the words of the governing Utah statute, "the interests of the child will be promoted by the adoption." At this point, neither side has indicated a desire to appeal the matter into the federal courts. The evidentiary hearing is expected late this summer or early in the fall. Appeals of that decision seem certain.

In April, the national ACLU adopted a new position urging that government not involve itself in unorthodox marital arrangements among consenting adults, clearing the way for the organization's help in expected further appeals. The ACLU has not endorsed polygamy, nor has it addressed the matter of underaged participants in polygamous marriages. Opponents of the Fischer adoptions alleged that child brides were the norm in fundamentalist Mormon marriages.

In a carefully-worded opinion, Justice Christine Durham rejected In Re Black's blanket denial of polygamists' civil rights. "The fact that our constitution requires the state to prohibit polygamy does not necessarily mean that the state must deny any or all civil rights and privileges to polygamists." Justice Durham noted that although polygamy was a crime in Utah, so was adultery, fornication, non-support of children, surrogate parenthood contracts, and unauthorized abortions. "It is not the role of the courts to make threshold exclusions dismissing without consideration, for example, the adoption petitions of all convicted felons, all persons engaging in fornication or adultery, or other persons engaged in illegal activities."

Justice Durham went on to pose a series of hypothetical questions to illustrate why a blanket rule prohibiting adoptions by polygamists would not be appropriate: "What if there were no willing relatives or other suitable adopters and dismissing a petition meant foster placement and separating siblings? What if the practicing polygamists seeking to adopt were unwilling to abandon their commitment to the lifestyle but strongly opposed promoting it to their children? What if the child to be adopted were so severely physically or mentally handicapped that he or she could never participate in plural marriage but facts indicated that a polygamous family could provide optimal specialized care?"

Justice Michael D. Zimmerman joined the Durham opinion.

Justice I. Daniel Stewart concurred in the result, but wrote a separate, more cautious opinion. "As I view the matter, the issue is not whether polygamous adults who wish to adopt have a right to a hearing with respect to an adoption petition; rather, it is whether the children who are subject to adoption have a right to have as adoptive parents those who may be the only people who can give the children the reasonable nurture, care, guidance, and love as a foundation for realizing their highest potential as human beings," Justice Stewart wrote.

He went on to observe that "polygamy is more than just an 'alternative lifestyle,' as that term is sometimes used in describing a manner of living that is unorthodox and outside the accepted norms and established customs of society. Having said that, I add that I do not subscribe to a view that condemns polygamists as being depraved and debased. Much evidence suggests that polygamists, as they are generally known in this state, are honest and hard working."

Justice Stewart is an obvious and important swing vote, and he will be courted by both sides in future appeals.

Associate Chief Justice Richard Howe wrote a strong dissent, in which he was joined by Chief Justice Gordon Hall. They agreed that Utah's constitutional and criminal statute prohibition on polygamy, religious or otherwise, supported the decision of the trial court. They found that the appealed ruling, that 'the petitioners' teaching and practicing polygamy in their home outweighed the factors which ran in favor of the petitioners,' should have been affirmed.

Justice Howe went on to write
that "it would be difficult to conceive of a factor which works more against the 'interests of the child[ren]' than ongoing criminal conduct by the adoptive parents in the home where the children are being nurtured and raised."

Michele Parish, Utah ACLU director, told the Salt Lake Tribune after the decision, "We can't just protect the religions we like, the ones we agree with and get along with. Freedom of religion is for everyone." She said the state's prohibition on polygamy violated the free exercise of religion, and threatened rights to privacy and equal protection.

Vaughn Fischer told the Tribune he was "very pleased" with the decision and saw "the Lord's hand" in it.

Utah Children executive director Roz McGee saw the decision as dangerous. She told the Tribune, "We feel the way women, female children and wives are treated in fundamentalism, that many of those practices are not in the best interest of healthy children. There are young women being forced into early marriages and men being driven out because there aren't enough women for them to marry."

The Salt Lake Tribune editorialized on the decision, writing that "what the high court really has upheld . . . is basic fairness and due process."

Vaughn Fischer is himself an adopted child of a plural marriage. He moved to Hildale in 1950 and has established himself as one of its leading citizens. His building contracting business thrives and federal income tax returns filed with the court show him to have a substantial income, especially by Southern Utah standards. At the time of the petition for adoption he had two surviving wives and fifteen children, counting the six stepchildren, in his sprawling home. Both wives have added children to the home and are full-time mothers. Vaughn Fischer and his family are devout fundamentalist Mormons affiliated with the Colorado City, Arizona-based group now headed by Rulon Jeffs, a successor to Leroy S. Johnson, who died in 1986. Before Brenda Thornton, Fischer's third wife, died, the adoption proceedings were initiated with her new husband. The natural father, now deaf and in his mid-60s, appeared in district court to voice his approval of the adoption. A Utah Department of Social Services home study avoided comment on the family structure but otherwise characterized the proposed adoptees as an excellent placement.

Opposing the adoption are Brenda Thornton's father, Calvin Johanson of Salem, Oregon, and her two half-sisters, Janet Johanson, also of Salem, and Pat Johanson, of Washington, D.C. Both sisters are former fundamentalist Mormons who now express bitter feelings about their experience with it. Pat Johanson traveled to Hildale to be with her sister during the final days of her struggle with cancer. She now asserts that her sister changed her mind and did not want the children raised in the Fischer home, but no one else can verify this. The children's natural father continues to support the adoption.

Colorado City and Hildale are modern incorporations of the historic community of Short Creek, located on the Utah-Arizona border just off Arizona Route 389, about 45 miles from St. George. The area was first settled by a few cattle ranchers in 1913. Fundamentalist Mormons began to gather there in the early 1930s, among them members of the Johnson family who had previously lived at Lee's Ferry. This led to mass excommunications by the LDS church in 1934 and 1935 when the fundamentalists came out in the open.

The first twentieth-century convictions for polygamy involved Short Creek residents in 1935. Other prosecutions followed, including the massive Arizona raid of 1953 when almost the entire town was taken into custody. Utah authorities also became involved in that action and the case In Re Black was one of the results.

The Arizona efforts to seize children dragged on for almost two years at enormous expense to both sides. They finally collapsed for lack of public support and a failure to allow counsel's participation on behalf of the parents. In 1955 an Arizona trial judge ordered the state to release all children still held in foster care to their mothers. Most of them returned to Short Creek.

Utah authorities were both more determined and more focused. Vera Black and her eight children were selected as a test case designed to set a chilling precedent for all polygamous parents. The Washington County juvenile judge was the subject of intense ex parte communication with both Arizona and Utah authorities. The case was "decided" before an evidentiary hearing was even begun on the Black children.

The eight children were found to be in need of state supervision and all parental rights were terminated. State authorities were willing to return them to Mrs. Black if she would renounce her religious beliefs, but she flatly refused. The children remained in an Orem foster home over the next two years. The matter was appealed to the Utah Supreme Court which held against the mother in 1955.

In a unanimous opinion, the Court held that polygamists brought shame on the state of Utah and threatened to undermine the traditional family model. In finding that polygamists have no rights to the custody of their own children, the majority opinion held that "the practice of polygamy, unlawful cohabitation and adultery are sufficiently reprehensible, without the innocent lives of children being scarred by their evil influence. There can be no compromise with evil."

The children remained in foster care until June 1956 when a face-saving compromise was worked out, allowing their return to their parents. Today, Vera Black, her two sister-wives, and all her children are respected members of the Colorado City community. Her husband, Leonard Black, died and was buried there in 1977.

In 1987 the Utah Supreme Court again considered the rights of polygamous parents in Sandersen v Tryon, a child custody dispute involving a dissolved polygamous household. The case involved fundamentalist Mormons who followed Owen Allred, a brother of Rulon Allred who was murdered in 1977 by the Ervil LeBaron group.

Sanderson involved sisters married to the same man. When the family dissolved in 1982, a custody dispute followed in which the then-monogamous husband tried to use In Re Black in support of his claim for custody of the children. His former wife had become part of another plural household.

Without mentioning In Re Black, the Utah Supreme Court held that the wife's continued polygamy did not disqualify her from retaining custody of the three children involved. A unanimous court applied the "best interests of the child" standard and remanded the case back to the trial court for an evidentiary hearing. Chief Justice Hall, a dissenter in the most recent case, wrote for the Sanderson majority, "A determination of the children's best interests turns on numerous factors, each of which may vary in importance according to the facts in the specific case. ... The trial court's finding that a parent practices polygamy is alone insufficient to support a custody award or to permit meaningful review on appeal."

While Sanderson was a significant victory for fundamentalist Mormons, it did not affect matters in Utah's family courts where adoptions, neglect, and dependency matters are heard.

But the Fischer case appears to do that.
HAFEN ADVOCATES PRO-FAMILY LAWS

"AMERICAN FAMILY law... now seems to undermine more than to encourage the personal commitments that enable meaningful family life," said Brigham Young University Provost Bruce C. Hafen. Hafen spoke at the fourth annual Monsignor McDougall lecture on 7 May 1991, sponsored by the Catholic Diocese of Salt Lake. Hafen's pro-family speech was a stark contrast to the McDougall lecture of controversial University of Utah law professor Edwin Firmage several years ago, which advocated that women should be ordained to the priesthood.

Over the years, family law—the body of laws concerning marriage, divorce, and the rights of children—has established that parents may divorce without regard for the best interests of their children to grow up in an unbroken family. Hafen said that current family law encourages temporary marriages of self-interest, characterized by "profit, pleasure, or service... Americans have shifted their view of marriage from that of a relatively permanent social institution to a temporary source of personal fulfillment."

Family law, Hafen further said, deceitfully protects the "rights" of parents to be left alone from their obligations to their children. In reality, he said, parents have unlimited family obligations not limited by the letter of the law. But contractual interpretations of parental responsibilities provide "easy justification for adults who[se] personal convenience or economic preferences are... best served by their remaining aloof... Prematurely severing children's family ties has the effect of abandoning them to their 'rights.'"

Hafen, a former dean of BYU's law school and nationally recognized for his work in family law, explained that "a child's sense of belonging [to a family] is crucial to his or her developing the psychological stability required for autonomous action... Marriage and kinship are mediating institutions that prepare not only children but adults for the democratic interaction that literally depends upon an enlightened willingness to obey the unenforceable."

Hafen concluded that the law may create as well as reflect community morals. He hoped that family law would come to reflect parental commitment to their children. "I hope that family law will find ways to sing more clearly the language of belonging."

PRESIDENT HINCKLEY RENOUNCES PRAYING TO MOTHER IN HEAVEN

BECAUSE OF the increasing number of stakes, general authorities can't "give the personal scrutiny and attention" they used to, said President Gordon B. Hinckley to the Church's mid-level leaders, who he asked to guarantee four "cornerstones." He spoke at the annual regional representatives seminar held the Friday before each April general conference. In past years the lectures at this conference often better reveal the Church's direction than do many conference talks. For instance President Spencer W. Kimball's famous talk which energized missionary work was given to the regional representatives, as was Elder Boyd K. Packer's "Course Correction" address last year.

Speaking on the first cornerstone, To Keep the Church Doctrinally Pure, President Hinckley said that the scriptures, which have been approved as binding upon the Church, are the "standard by which all gospel doctrine is measured. All other books, manuals, and study courses should spring" from them. He noted that there are other non-scripture works "which are as treasures to us." Continuing, he said:

On the other side of the line are a number of publications whose major objective, it seems to me, is to question and criticize the teachings and activities espoused by the General Authorities. They seem to feed the critical natures of those who still have one foot in the Church while the other is out. Those who so write are highly resentful if their Church loyalty or membership is challenged. And yet, they seem to be constantly looking for faults, criticizing, and holding up to the light, in an effort to find flaws, that which is taught as the doctrine of the Church.

President Hinckley then discussed the Great Apostasy and noted that "every error began in the ancient church in a relatively small way. Some scholar or otherwise came along with a new bit of philosophy that did not square with the pure doctrine." He said that in today's Church "small beginnings of apostasy" are occasionally introduced and instructed the representatives to make corrections where necessary. He cited the practice of praying to Mother in Heaven as an example:

For instance, here and there, prayers have been offered to our Mother in Heaven. This started in private prayer, and is beginning to spread to prayers offered in some of our meetings.

It was Eliza R. Snow who wrote the words: "Truth is reason, truth eternal, tells me I've a mother there."

It has been said that the prophet Joseph Smith made no correction to what Sister Snow had written. Therefore, we have a Mother in Heaven. Therefore, some assume that we may appropriately pray to her.

Logic and reason would certainly suggest that if we have a Father in Heaven, we have a Mother in Heaven. That doctrine rests well with me.

However, in light of the instruction we have received from the Lord Himself, I consider it inappropriate for anyone in the Church to pray to our Mother in Heaven.

The Lord Jesus Christ set the pattern for our prayers. In the Sermon on the Mount, He declared: "After this manner therefore pray ye: Our Father which art in heaven, Hallowed be thy name." (Matt. 6:9.)

When the Resurrected Lord appeared to the Nephites and taught them, He said: "After this manner therefore pray ye: Our Father who art in heaven, hallowed be thy name." (3 Nephi 13:9.)

While He was among them, He further taught them by example and precept concerning this practice. The record states that "He himself also knelt upon the earth; and behold he prayed unto the Father, and the things which he prayed cannot be written, and the multitude did bear record who heard him." (3 Nephi 17:15.)

Further He said: "Pray in your families unto the Father, always in my name, that your wives and your children may be blessed." (3 Nephi 18:21.)

On another occasion, "Jesus departed out of the midst of them, and went a little way off from them and bowed himself to the earth, and he said:" 

"Father, I thank thee that thou hast given the Holy Ghost unto these whom I have chosen; and it is because of their belief in me that I have chosen them out of the world.
“Father, I pray thee that thou wilt give the Holy Ghost unto all them that shall believe in their words.” (3 Nephi 19:19-21.)

And so I might continue with other specific instances from the scripture. But, search as I have, I find nowhere in the Standard Works an account where Jesus prayed other than to His Father in Heaven or where He instructed the people to pray other than to His Father in Heaven.

I have looked in vain for any instance where any President of the Church, from Joseph Smith to Ezra Taft Benson, has offered a prayer to “our Mother in Heaven.”

I suppose those who use this expression and who try to further its use, are well-meaning, but they are misguided. The fact that we do not pray to our Mother in Heaven in no way belittles or denigrates her. None of us knows anything about her.

I caution you to counsel priesthood leaders to be alert for the use of this expression and to make correction where necessary. Such correction can be handled in a discreet and inoffensive way. But it should be firm and without equivocation. I use this only as an example of our need to keep the doctrine pure.

President Hinckley then discussed the second cornerstone, Morally Clean and Ethically Straight. He said leaders “must be constantly alert to serious infractions of the moral law.” He condemned the prevalent use of pornography and noted that occasionally even Church leaders are ensnared by it. “In such circumstances, appropriate action must be taken,” he said.

He lamented the spread of dishonesty and counseled Church leaders to avoid being involved in fraudulent “so-called Ponzi schemes.”

He said disciplinary actions by leaders should be handled with “kindness but firmness” and should not be widely publicized. “The administration of Church discipline can be a wrenching experience,” he said, “tearing at the very heart of the one disciplined as well as at the hearts of those administering the discipline who become judges when they themselves are human and not entirely without weakness or fault in their own lives. Notwithstanding this, there are times when we must face into the wind and go forward.”

Concerning the third cornerstone, To Keep the Church Financially Strong, President Hinckley praised the success of the Unit Budget Allowance Program, said that an increase of faith comes from simple activities, and announced that the program was going to be implemented world-wide. Noting the increasing financial demands on the growing Church, he called the law of tithing the “Lord’s law of finance” and said that if the members observe it “the Church will be financially strong and the people will be blessed.”

President Hinckley’s fourth and final cornerstone was To Keep the Church Organizationally Efficient. He acknowledged a persuasive, “constant pressure” to increase “regulations emanating at headquarters.” He said he didn’t think the “size and complexity of our organization” was needed and encouraged leaders to move the Church forward without adding to or complicating the organization. “When all is said and done, our goals are relatively simple and straightforward. Our procedures in achieving those goals ought likewise to be simple and straightforward,” he concluded.
**UPDATE**

In spite of the Church's opposition, the city council approved the drain fee. The Church's share for the first year is projected to be $165,000. The University of Utah and other schools are expected to pay $234,686. Afterwards, the Church told the city it had decided not to challenge the fee in court.

Obviously the Church, whose chapels and seminary buildings dot the Utah landscape, could easily see its operating expenses mounting. "This could set a precedent," said Kirton in an interview. "Provo and Orem are thinking along the same lines. This isn't just to do with Salt Lake City."

As Kirton predicted, a month later, in July, Provo proposed a similar drain fee and the Church's lawyer sent a similar letter to the city citing the Church's charitable expenditures in Provo and then saying, "Yet nowhere is anyone suggesting that the city make payments to the church. To attempt to keep score on services would waste the resources of both city and church in an unconstitutional entanglement of accounting, audits, appraisals, transfers and payments."

In the Provo case, the Church was joined by the Catholics and Brigham Young University, which paid Provo $576,000 in the mid-1970s to build a storm drainage system around the school.

**LEE APPOINTED PRINCIPAL**

GEORGE P LEE has been named principal at Tuba City [Arizona] High School. Lee served as the only Native American LDS general authority for fifteen years until he was excommunicated in 1989. Last fall, Lee ran an impressive but unsuccessful write-in campaign for the presidency of the Navajo Nation. Since his excommunication, Lee has reportedly been looking for an administrative position in education. He has a doctorate in educational administration from Brigham Young University, and before being called as a general authority he was president of a small college. Since Tuba City is on the Navajo reservation, Lee will also be able to meet the three-year residency required to run for the presidency in 1994, should he choose to.

**ANGlicans Oppose Proxy Baptisms**

LAST YEAR Mormons in Britain began a three-year project to transfer the 1881 census containing almost twenty-seven million names to computer records, to be sent to the library of the Genealogical Society of Utah.

Some Church of England parochial councils have resisted the transfer of names, claiming, "the concern is that the baptism of the dead is an interference with the souls of dead Anglicans."

The bishop of Chester, the Right Reverend Michael Baughen, tried to deny the LDS church access to his diocesan records until he was forced to accept that the Church was legally entitled to examine any public records.

But while the Mormons can study the records and take notes, Chester's diocesan archivist, Ian Dunn, has told its parishes they can refuse permission to film the registers. *(London Observer)*

**JESUS JEANS AND T-SHIRTS BANNED**

ACTING ON a complaint filed by two Eastern Orthodox priests, the Greek Supreme Court has ruled that "Jesus jeans" and "Jesus t-shirts" cannot be sold in Greece. The court said that to use the name of Jesus, or other religious symbols, on commercial merchandise is "an abuse to be forbidden in all circumstances." *(Ecumenical Press Service)*
THE HANDWRITING ON THE STALL

THE FOLLOWING was scribbled on a wall in the women's rest room in Copperfield's Bookstore in Sebastapol, California:

Of the top men in the CIA, MI, FBI & White House, what % do you estimate are Mormon? If that doesn't scare all women, it should.

THE BOMB OF GILEADI

CENSORSHIP HAS always been an issue at the Church-owned Deseret Book Company, which publishes books and runs a chain of stores.

On the right, zealot Gary Shapiro, whose self-appointed mission is to ferret out “soft core pornography” from the stores’ shelves, recently published the pamphlet “For the Money?: An Open letter to Deseret Book about Peddling Pornographic Paperbacks,” which challenged the company to be a selective Christian bookstore and reprinted correspondence with Deseret Book’s president who advised him to “shop for your book needs elsewhere.”

Then Deseret Book decided not to continue carrying Rodger Anderson’s Mormon History Association award-winning Joseph Smith’s New York Reputation Reexamined published by Signature Books. Reportedly the impetus for the decision was a negative review by BYU religion professor Stephen Robinson in a recent publication of the Foundation for Ancient Research and Mormon Studies (F.A.R.M.S.). Deseret Book does not carry several other titles distributed by Signature Books, including a cartoon book by Calvin Grondahl.

This July the company decided to stop carrying its own briskly selling book, The Last Days: Types and Shadows from the Bible and Book of Mormon by Avraham Gileadi. Although the book went through Deseret’s numerous internal reviews, in response to criticisms by BYU religion faculty members the company pulled it off the shelves and reportedly considered shredding it. Gileadi’s thesis is that in the last days in preparation for the second coming of Christ a descendant of King David will emerge independent of the LDS church hierarchy and establish Christ’s political kingdom in Jerusalem, gather the Ten Tribes, and build a temple in Jerusalem where he will greet the returning Messiah. “[Gileadi] uses passages [from Isaiah] that have been traditionally interpreted as Christ to mean a Davidic servant other than Christ” BYU religion professor Larry Dahl told the Salt Lake Tribune. In addition to Dahl, former dean of BYU religious education Robert Matthews and Monty Nyman, an associate dean along with Dahl, oppose Gileadi’s book, which is endorsed on the dust jacket by Hugh Nibley, F.A.R.M.S. president Stephen Ricks, and former BYU religion department chair Ellis Rasmussen. To some, the book directly contradicts scriptural interpretations by the late apostles Bruce R. McConkie and LeGrand Richards. In spite of public denials of Church involvement, LDS general authority Deseret Book board members apparently decided to pull the book due to reports that some members were making dramatic career changes and had moved to remote locales because of the book’s apocalyptic tone. Eventually Deseret Book sold Gileadi the remaining copies and he immediately resold them to Seagull Book and Tape which exhausted the supply within days. Covenant Recordings, which has been selling a cassette recording of Gileadi on the last days for several years, plans to reprint the book. Interested buyers will have to shop for this book need elsewhere than Deseret Book.
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