

What Utah's History Teaches Us About Vouchers

PART 2 OF 6

BY SUTHERLAND INSTITUTE

The period in state history from 1869 to statehood in 1896 presented new challenges for the pioneer settlers and brought new influences on education in Utah. The years directly preceding statehood present some of the most critical times in defining Utah's "education identity." Three influences, more than any others, helped to significantly shape education policy just prior to statehood: 1) LDS Church members' desires to replicate the public school system had throughout much of the rest of the nation, 2) growing anti-Mormon sentiment throughout the territory, and 3) national politics. Standing athwart these increasingly strong influences were LDS Church leaders who were suspect of anti-Mormon sentiments, concerned about the diluting of gospel purity through "gentile-led" schools, and who were on constant alert over the very real danger of political grandstanding that could result in the physical and administrative demise of the Church.

Public school advocates from back east would often argue for the virtue of civic education and the State benefit of an exactly cooked "melting pot." Brigham Young questioned the virtue of any supposed civic education that would lend itself to drive the Saints from state to state eventually banishing them to an unwelcoming home in the west desert, and ultimately even disturbing the modicum of dignity found there. If that is what the nation's political and educational leaders meant by public schooling, then early Church leaders wanted nothing of it. In fact, its

imposition was considered an insult to the Saints.

The historical record charting support and opposition of public schools throughout this period can get confusing. At times the early Church leaders sound vehemently against public or "free" schools. At other times, they sound as if they are in favor of them as they refer to "District Schools." Conversely, the non-Mormons seem to flip-flop in the same manner – at times they are strictly supporters of private or "mission" schools, and then they jettison those efforts in support of those same District Schools.

Ultimately, the fluidity of the debate all boiled down to one thing – whoever controlled public education controlled the future of Utah. As more and more Latter-day Saints sought the aid of public schools, Church leaders argued for more autonomy to control them so that religious instruction could be integrated into curriculum (and so that rising taxes levied against its members could be mitigated as necessary). Non-Mormons did not want their children (and, in many respects, did not want even the LDS children) to be subjected to the religious influences of the Church.

Notwithstanding the best efforts of both sides, it was the federal influence on the territory that became the 800-pound gorilla ultimately deciding the fate of public education in Utah. This history is well-recorded and well-known.

Four consecutive pieces of federal legislation impacted the question of who controls education in Utah, but it was two deeply intrusive U.S. Supreme Court decisions that drastically

impacted local LDS autonomy. The *Reynolds* case and especially *The Late Corporation of the Church of Jesus Christ of Latter-day Saints v. United States* (or, *Mormon Church*) wherein the Court ruled that private property owned by the LDS Church, including the Church's tithing-supported private school assets, could be forcibly "seized" by the federal government. As the penultimate insult to Church members, those seized assets were appropriated specifically "for the use and benefit of [government] common schools."

In sum, the *Mormon Church* opinion placed the Court's stamp of approval on the federal government's generally heavy-handed approach, begun through the Treaty of Guadalupe Hidalgo, regarding the ultimate treatment of Latter-day Saints and other minority groups. For Utah's education identity prior to statehood, this meant that LDS local control over education was coming to an end and was to be replaced at statehood by largely "outsiders" (i.e., federal government representatives) in a bleached, secular educational environment.

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