

## Lawsuit filed against school prayer

SALT LAKE CITY (AP) — A federal lawsuit filed Monday against two school districts in this heavily Mormon state seeks to forbid prayers at everything from graduations to football games.

Prayers at graduation ceremonies and other school-sponsored activities violate state and federal guarantees of freedom of religion and separation of church and state, according to the lawsuit. The suit was filed in U.S. District Court by the American Civil Liberties Union.

"Refusal to participate in this school-sponsored praying leaves students and teachers vulnerable to ostracism, ridicule and discrimination," said Michele Parish-Pixler, ACLU state executive director. "It isn't only at graduation. Many students have complained that students huddle before theatrical performances or in the locker room. If they don't participate, there is peer pressure," she said.

The Supreme Court in 1962 banned organized, school-sponsored prayer sessions for students.

The lawsuit was filed on behalf of four students, a teacher and a school counselor in the Granite and Alpine school districts. However, if the ACLU wins, the suit would force all 40 of the state's school districts to stop prayers at graduation and other school-sponsored activities, said ACLU attorney Michael Patrick O'Brien.

The lawsuit appears certain to escalate a long-simmering debate in a state where some 70 percent of 1.7 million residents are members of The Church of Jesus Christ of Latter-day Saints.

However, O'Brien said Mormons weren't the only target.

"I'm a Catholic and I would bring a suit against the Catholics in Boston," he said. "(Even) non-denominational prayer is still a religious activity."

Mormon Church officials had no immediate comment Monday.

Gov. Norm Bangerter, a Republican and a Mormon, wants the state Legislature to appropriate funds for the school districts to fight the lawsuit, said Budd Scruggs, the governor's chief of staff.

"The districts are in an impossible position right now because they are literally facing lawsuits from both sides," Scruggs said, referring to threatened countersuits by supporters of school prayer.

District officials declined to comment Monday. Granite, based in Salt Lake County, has 76,799 students and is the state's largest district. Alpine, based in American Fork, has 38,192 students.

"I want to be there and see my seniors graduate, but I have felt more and more the injustice of being forced to attend state-sponsored meetings where prayers are said," said Adrienne Morris, a plaintiff who teaches at Orem High School in the Alpine district.

"Freedom of religion must also have freedom from religion," she said. "It is simply unjust to make me participate."

The furor over school prayer erupted here in 1989 when a student at the Jordan School District claimed in a lawsuit that a Mormon-oriented prayer at graduation violated the student's civil rights.

That district eliminated prayer at graduation.

## Souter had opposed medicaid abortions

WASHINGTON (AP) — Supreme Court nominee David Souter, as New Hampshire's attorney general, opposed an order that the state pay for Medicaid abortions.

In its 1976 brief, the state referred to abortion as "the killing of unborn children."

The brief was filed during a federal court appeal of a case begun during the tenure of Souter's predecessor, Warren Rudman, and Souter did not personally argue the case. New Hampshire's attorney general is appointed by the governor and required by law to represent the governor's views in court. New Hampshire's governor at the time was arch-conservative Meldrim Thompson.

Souter's name was listed on the brief but it was signed by its author, Richard Wiesbusch, then an assistant attorney general.

White House deputy press secretary Stephen Hart said he did not know if Bush had been told about the 1976 brief. "What's important is the president supports his nominee," Hart said. "There were no specific issues queried about nor was there a litmus test in the nomination of Souter. ...

What's important is that he (Bush) chose the man based upon his merits, what he thought was important."

Although nothing in the brief sheds any light on Souter's personal views on abortion, the case likely will provide Senate Judiciary Committee members eager to learn those views a vehicle to raise the issue.

"Clearly the Senate should ask Judge Souter to address himself to this document at his confirmation hearings," said Arthur J. Kropp, president of the liberal activist group People for the American Way, which today distributed copies of papers filed in the 1976 case.

New Hampshire's brief acknowledged the U.S. Supreme Court's 1973 Roe v. Wade decision legalizing abortion but argued that nothing in that landmark ruling required the state to use tax dollars to pay for abortions sought by Medicaid recipients for reasons other than to preserve a pregnant woman's life.

"Many thousands of New Hampshire residents find the use of tax revenues to finance the killing of unborn children morally repugnant," the state's brief said.

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