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**UNITED STATES DISTRICT COURT  
DISTRICT OF WYOMING**

**WESTERN LAND EXCHANGE PROJECT, )  
SUSAN WOZNY, JENNIFER SORENSEN, )  
KEVIN HOLDSWORTH, and WILLIAM )  
YOUNG )**

**Plaintiffs, )**

**v. )**

**GALE NORTON, in her official capacity )  
as Secretary of the Interior; and KATHLEEN )  
CLARKE, in her official capacity as )  
Director of the Bureau of Land Management )**

**Defendants )**

**Case No. \_\_\_\_\_**

## COMPLAINT

### I.

#### INTRODUCTION

1. The Martin's Cove Historic Site ("Martin's Cove") is a sheltered location in the Sweetwater Rocks just north of the Sweetwater River, approximately 55 miles southwest of Casper, Wyoming. The site is located entirely on public lands administered by the Bureau of Land Management (BLM), and is enrolled as a National Historic Place on the National Register of Historic Places (NRHP). The Cove is contiguous to the confluence of the four major western migratory trails, including the Oregon Trail. The trails were traveled by a half million settlers between 1841 and 1869. These trails are administered by the National Park Service (NPS), in cooperation with the BLM, under the provisions of the National Trails System Act. Martin's Cove also lies in direct proximity to other historical landmarks, including the Tom Sun Ranch, Devil's Gate and Independence Rock. The entire area is known as Independence Pass and has significant historic interest to the BLM, the NPS, and the public. Access to Martin's Cove and to Devil's Gate is gained exclusively through the Tom Sun Ranch, private property also enrolled on the NRHP.

2. For many years, the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints (LDS or Church) sought to gain control of Martin's Cove and the surrounding land and convert the property into a religious site for LDS pilgrims. Martin's Cove is considered significant to the LDS Church because Mormon pioneers traveling west in the Martin Handcart Company took refuge there during an early winter storm in 1856 and many perished.

3. In 1996, the LDS Church purchased the Tom Sun Ranch and converted it into a Mormon visitors' center. The following year LDS officials entered into a collaborative agreement with the BLM that placed Martin's Cove under the stewardship of the Church, subject to certain conditions,

including a public access easement. When that agreement expired in 2002, its terms continued to be given effect while the Church sought to purchase the property from the United States government. When these negotiations failed, Congress intervened and directed the Secretary of the Interior to lease the property to the LDS Church, Pub. L. No. 108-137 § 314, 117 Stat. 1827, 1863-64 (2003).

4. Under the terms of the Act, LDS officials are more than just stewards of the property; the Church has been given 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. The influence of the LDS Church on this federal property is both pervasive and unavoidable.

5. By placing this property under the stewardship of the LDS Church, Congress abdicated an important governmental function statutorily vested in the BLM. The United States government administers thousands of historic and prehistoric sites that lie on federal land, and it is the government's duty and policy is to retain ownership of those sites in order to preserve their historic, educational, and archaeological value. The story of Martin's Cove and the Martin Handcart Company is part of a much larger history of American westward migration that is not limited to the religious significance that the site has for the LDS Church. The stewardship of historic public land can not constitutionally be vested in the Church. To the Church, the property has religious significance as a story of deliverance and evidence of the hand of God. Visitors to the property cannot avoid this overtly religious message. Plaintiffs maintain that the Church can not constitutionally act as gatekeeper or storyteller for property that everyone agrees has historic value beyond its significance to the LDS Church. Just as Ellis Island and other historical eastern ports of entry served as gateways for millions of arriving immigrants on their way to a better life, the trails