

3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing [including veterans' housing].
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

[2] Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

[1] A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

[2] The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

[3] All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.

TRIBUTE TO GERDA WEISSMAN KLEIN

Mr. REID. Mr. President, I rise today to honor Gerda Weissman Klein, Holocaust survivor and recipient of the Presidential Medal of Freedom.

We tell ourselves never to forget, and we implore our children to do the same. But we cannot do it alone.

We need to listen to those who remember not by choice, but because they can never forget what they saw and what they survived.

With each passing year, fewer and fewer of these witnesses remain. Even fewer of them speak English, or live in America, where we can hear their stories first hand. And fewer still are like Gerda Weissman Klein.

About a year and a half ago, Mrs. Klein and her son visited my office. I invited Senators LEVIN and CARDIN to join me. I will always remember one observation she offered.

I remember it because she didn't say it as though she were teaching a profound lesson, though it was profound. She didn't say it as though it was the most important message she came to

deliver, but it has stayed with me to this day. She said it, incredibly, as an off-hand comment while we were just chatting.

Mrs. Klein said this: "Surviving is an incredible privilege, but it is also a very deep responsibility."

It was beyond humbling—that someone could see what she saw and lose what she lost and endure what she endured, and still maintain such perspective, and feel such responsibility.

Mrs. Klein continues to fulfill what she sees as her responsibility, sharing her story and teaching us about tolerance. That's why we fulfilled our responsibility to her—by recognizing her with highest honor our country can give civilians, the Presidential Medal of Freedom.

But more than that, we fulfill our responsibility by thanking her, by appreciating her and by listening to her—so that we will never forget what she cannot forget.

TRIBUTE TO BRIA BENJAMIN

Mr. REID. Mr. President, I rise today to honor Bria Benjamin, a fifth-grader at Forbuss Elementary School in Las Vegas.

Recently, Bria studied hard and recited Martin Luther King's "I Have a Dream" speech in celebration of Dr. King's 82nd birthday at a meeting of the Clark County Board of Commissioners. Bria perfectly conveyed the speech and even captured the powerful, emotional and cadenced performance of Dr. King.

I am proud of Bria and commend her stunning rendition of a speech that embodies such a significant time in our country's history. As we celebrate Black History month, we recognize the immense contributions African Americans have made to this country—from innovations in science and technology to accomplishments in the arts and culture to improvements in all of our communities.

HONORING OUR ARMED FORCES

SPECIALIST ETHAN C. HARDIN

Mr. BOOZMAN. Mr. President, I rise to honor the life of one of America's bravest killed in action in Afghanistan—SPC Ethan C. Hardin—a fallen hero who served our Nation in support of Operation Enduring Freedom.

Specialist Hardin, 22, grew up in Fayetteville, AR, where he graduated Fayetteville Christian Schools. His former principal, Kenny Francis, remembered Specialist Hardin's "pleasant, likeable, gentle personality."

His pastor remembers Specialist Hardin as an excellent young man who was very dedicated to Christ. He called Specialist Hardin "gentle" as well, saying he harbored no particular hostilities toward the enemy, but a strong desire to protect our country.

Specialist Hardin was a member of the 10th Mountain Division. He was

killed when insurgents attacked his unit with an improvised explosive device and small arms fire. PFC Ira Laningham of Zapata, TX, also of the 10th Mountain Division, was also killed in the attack.

Mr. President, Specialist Hardin made the ultimate sacrifice for our freedoms. I ask my colleagues in the Senate to join me in honoring his life and legacy. He is a true American hero.

SERGEANT ZAINAH CAYE CREAMER

Mr. President, I also rise to honor the life of one of America's bravest killed in action in Afghanistan—SGT Zainah Caye Creamer—a fallen hero who served our nation in support of Operation Enduring Freedom.

Sergeant Creamer, 28, was born in Texarkana, TX, and graduated from Arkansas High School in Texarkana, AR, where she was known for her generosity and kindness. Her friends and family say they will remember her lovely singing voice and her love of country, friends, family and fellow soldiers—including her K-9 partner, Jofa.

A soldier for more than 6 years, Sergeant Creamer was assigned to the 212th Military Police Detachment as an Army dog handler. She and her dog, Jofa, were assigned to check vehicles and facilities for explosives and were carrying out a route and clearance mission when the blast occurred.

She died of injuries sustained when an improvised explosive device detonated near her unit in Kandahar.

Mr. President, Sergeant Creamer made the ultimate sacrifice for our freedoms. I ask my colleagues in the Senate to join me in honoring her life and legacy. She is a true American hero.

RELIGIOUS FREEDOM

Mr. HATCH. Mr. President, religious freedom is the first subject addressed in the First Amendment to the United States Constitution. In a pair of clauses that too often are divorced from each other, the Constitution prohibits Congress from making laws respecting an establishment of religion or prohibiting the free exercise of religion. Religious freedom has been a passion of mine throughout my service in the Senate and I intend to address this critical subject in a variety of ways during the 112th Congress. Today, I want to offer for my colleagues' consideration an important speech on religious freedom delivered two weeks ago at the Chapman University School of Law by Elder Dallin Oaks.

Elder Oaks serves in the Quorum of the Twelve Apostles of the Church of Jesus Christ of Latter-Day Saints. He received his law degree from the University of Chicago, where he was Editor-in-Chief of the Chicago Law Review and where he would later teach after clerking for Supreme Court Chief Justice Earl Warren. He also served as President of Brigham Young University, Chairman of the Public Broadcasting Service, and as a Justice on the

Utah Supreme Court. Elder Oaks is one of the pre-eminent legal scholars of our time, and a man deeply schooled in the Constitution who dearly loves our country.

As Elder Oaks makes clear at the outset, this speech is not about particular religious doctrine but about religious freedom. In fact, he says that his intent is “to contend for religious freedom.” Contending for something is much more than simply talking about it, explaining it, or even advocating it. To contend for religious freedom is to strive earnestly for it, to struggle for it, even in the face of opposition. Religious freedom is that important.

So I ask unanimous consent to have this speech printed in the RECORD and ask my colleagues to read and consider it. The full printed version of this speech contains extensive footnotes which have been deleted here for ease of publication in the RECORD. But I note for my colleagues that the full text and notes may be found at the following Internet address: <http://newsroom.lds.org/article/apostle-emphasizes-the-importance-of-religious-freedom-to-society>.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESERVING RELIGIOUS FREEDOM

(Elder Dallin H. Oaks, of the Quorum of the Twelve Apostles, Chapman University School of Law, Orange, California, Feb. 4, 2011)

I am here to speak of the state of religious freedom in the United States, why it seems to be diminishing, and what can be done about it.

Although I will refer briefly to some implications of the Proposition 8 controversy and its constitutional arguments, I am not here to participate in the debate on the desirability or effects of same-sex marriage. I am here to contend for religious freedom. I am here to describe fundamental principles that I hope will be meaningful for decades to come.

I believe you will find no unique Mormon doctrine in what I say. My sources are law and secular history. I will quote the words of Catholic, Evangelical Christian, and Jewish leaders, among others. I am convinced that on this issue what all believers have in common is far more important than their differences. We must unite to strengthen our freedom to teach and exercise what we have in common, as well as our very real differences in religious doctrine.

I.

I begin with a truth that is increasingly challenged: Religious teachings and religious organizations are valuable and important to our free society and therefore deserving of special legal protection. I will cite a few examples.

Our nation's inimitable private sector of charitable works originated and is still furthered most significantly by religious impulses and religious organizations. I refer to such charities as schools and higher education, hospitals, and care for the poor, where religiously motivated persons contribute personal service and financial support of great value to our citizens. Our nation's incredible generosity in many forms of aid to other nations and their peoples are manifestations of our common religious faith that all peoples are children of God. Religious

beliefs instill patterns of altruistic behavior.

Many of the great moral advances in Western society have been motivated by religious principles and moved through the public square by pulpit-preaching. The abolition of the slave trade in England and the Emancipation Proclamation in the United States are notable illustrations. These revolutionary steps were not motivated and moved by secular ethics or coalitions of persons who believed in moral relativism. They were driven primarily by individuals who had a clear vision of what was morally right and what was morally wrong. In our time, the Civil Rights movement was of course inspired and furthered by religious leaders.

Religion also strengthens our nation in the matter of honesty and integrity. Modern science and technology have given us remarkable devices, but we are frequently reminded that their operation in our economic system and the resulting prosperity of our nation rest on the honesty of the men and women who use them. Americans' honesty is also reflected in our public servants' remarkable resistance to official corruption. These standards and practices of honesty and integrity rest, ultimately, on our ideas of right and wrong, which, for most of us, are grounded in principles of religion and the teachings of religious leaders.

Our society is not held together just by law and its enforcement, but most importantly by voluntary obedience to the unenforceable and by widespread adherence to unwritten norms of right or righteous behavior. Religious belief in right and wrong is a vital influence to advocate and persuade such voluntary compliance by a large proportion of our citizens. Others, of course, have a moral compass not expressly grounded in religion. John Adams relied on all of these when he wisely observed that “we have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.”

Even the agnostic Oxford-educated British journalist, Melanie Phillips, admitted that “one does not have to be a religious believer to grasp that the core values of Western Civilization are grounded in religion, and to be concerned that the erosion of religious observance therefore undermines those values and the ‘secular ideas’ they reflect.”

My final example of the importance of religion in our country concerns the origin of the Constitution. Its formation over 200 years ago was made possible by religious principles of human worth and dignity, and only those principles in the hearts of a majority of our diverse population can sustain that Constitution today. I submit that religious values and political realities are so inter-linked in the origin and perpetuation of this nation that we cannot lose the influence of religion in our public life without seriously jeopardizing our freedoms.

Unfortunately, the extent and nature of religious devotion in this nation is changing. Belief in a personal God who defines right and wrong is challenged by many. “By some counts,” an article in *The Economist* declares, “there are at least 500 [million] declared non-believers in the world—enough to make atheism the fourth-biggest religion.” Others who do not consider themselves atheists also reject the idea of a supernatural power, but affirm the existence of some impersonal force and the value of compassion and love and justice.

Organized religion is surely on the decline. Last year's Pew Forum Study on Religion

and Public Life found that the percentage of young adults affiliated with a particular religious faith is declining significantly. Scholars Robert Putnam and David Campbell have concluded that “the prospects for religious observance in the coming decades are substantially diminished.”

Whatever the extent of formal religious affiliation, I believe that the tide of public opinion in favor of religion is receding. A writer for the *Christian Science Monitor* predicts that the coming century will be “very secular and religiously antagonistic,” with intolerance of Christianity “ris[ing] to levels many of us have not believed possible in our lifetimes.”

A visible measure of the decline of religion in our public life is the diminished mention of religious faith and references to God in our public discourse. One has only to compare the current rhetoric with the major addresses of our political leaders in the 18th, 19th, and the first part of the 20th centuries. Similarly, compare what Lincoln said about God and religious practices like prayer on key occasions with the edited versions of his remarks quoted in current history books. It is easy to believe that there is an informal conspiracy of correctness to scrub out references to God and the influence of religion in the founding and preservation of our nation.

The impact of this on the rising generation is detailed in an Oxford University Press book, *Souls in Transition*. There we read: “Most of the dynamics of emerging adult culture and life in the United States today seem to have a tendency to reduce the appeal and importance of religious faith and practice. . . . Religion for the most part is just something in the background.”

Granted that reduced religious affiliation puts religion “in the background,” the effect of that on the religious beliefs of young adults is still in controversy. The negative view appears in the Oxford book, whose author concludes that this age group of 18 to 23 “had difficulty seeing the possible distinction between, in this case, objective moral truth and relative human invention. . . . [T]hey simply cannot, for whatever reason, believe in—or sometimes even conceive of—a given, objective truth, fact, reality, or nature of the world that is independent of their subjective self-experience.”

On the positive side, the Pew Forum study reported that over three-quarters of young adults believe that there are absolute standards of right and wrong. For reasons explained later, I believe this finding is very positive for the future of religious freedom.

II.

Before reviewing the effects of the decline of religion in our public life, I will speak briefly of the free exercise of religion. The first provision in the Bill of Rights of the United States Constitution is what many believe to be its most important guarantee. It reads: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

The prohibition against “an establishment of religion” was intended to separate churches and government, to forbid a national church of the kind found in Europe. In the interest of time I will say no more about the establishment of religion, but only concentrate on the First Amendment's direction that the United States shall have “no law [prohibiting] the free exercise [of religion].” For almost a century this guarantee of religious freedom has been understood as a limitation on state as well as federal power.

The guarantee of religious freedom is one of the supremely important founding principles in the United States Constitution, and it is reflected in the constitutions of all 50 of

our states. As noted by many, the guarantee's "pre-eminent place" as the first expression in the First Amendment to the United States Constitution identifies freedom of religion as "a cornerstone of American democracy." The American colonies were originally settled by people who, for the most part, came to this continent for the freedom to practice their religious faith without persecution, and their successors deliberately placed religious freedom first in the nation's Bill of Rights.

So it is that our federal law formally declares: "The right to freedom of religion undergirds the very origin and existence of the United States." So it is, I maintain, that in our nation's founding and in our constitutional order religious freedom and its associated First Amendment freedoms of speech and press are the motivating and dominating civil liberties and civil rights.

III.

Notwithstanding its special place in our Constitution, a number of trends are eroding both the protections the free exercise clause was intended to provide and the public esteem this fundamental value has had during most of our history. For some time we have been experiencing laws and official actions that impinge on religious freedom. In a few moments I will give illustrations, but first I offer some generalizations.

The free "exercise" of religion obviously involves both (1) the right to choose religious beliefs and affiliations and (2) the right to "exercise" or practice those beliefs without government restraint. However, in a nation with citizens of many different religious beliefs the right of some to act upon their religious beliefs must be qualified by the government's responsibility to further compelling government interests, such as the health and safety of all. Otherwise, for example, the government could not protect its citizens' persons or properties from neighbors whose religious principles compelled practices that threatened others' health or personal security. Government authorities have wrestled with this tension for many years, so we have considerable experience in working out the necessary accommodations.

The inherent conflict between the precious religious freedom of the people and the legitimate regulatory responsibilities of the government is the central issue of religious freedom. The problems are not simple, and over the years the United States Supreme Court, which has the ultimate responsibility of interpreting the meaning of the lofty and general provisions of the Constitution, has struggled to identify principles that can guide its decisions when a law or regulation is claimed to violate someone's free exercise of religion. As would be expected, many of these battles have involved government efforts to restrict the religious practices of small groups like Jehovah's Witnesses and Mormons. Recent experience suggests adding the example of Muslims.

Much of the controversy in recent years has focused on the extent to which state laws that are neutral and generally applicable can override the strong protections contained in the free exercise clause of the United States Constitution. As noted hereafter, in the 1990s the Supreme Court ruled that such state laws could prevail. Fortunately, in a stunning demonstration of the resilience of the guarantee of free exercise of religion, over half of the states have passed legislation or interpreted their state constitutions to preserve a higher standard for protecting religious freedom. Only a handful have followed the Supreme Court's approach that the federal free exercise protection must bow to state laws that are neutral as to religion.

Another important current debate over religious freedom concerns whether the guar-

antee of free exercise of religion gives one who acts on religious grounds greater protection against government prohibitions than are already guaranteed to everyone by other provisions of the constitution, like freedom of speech. I, of course, maintain that unless religious freedom has a unique position we erase the significance of this separate provision in the First Amendment. Treating actions based on religious belief the same as actions based on other systems of belief is not enough to satisfy the special guarantee of religious freedom in the United States Constitution. Religion must preserve its preferred status in our pluralistic society in order to make its unique contribution—its recognition and commitment to values that transcend the secular world.

Over a quarter century ago I reviewed the history and predicted the future of church/state law in a lecture at DePaul University in Chicago. I took sad notice of the fact that the United States Supreme Court had diminished the significance of free exercise by expanding the definition of religion to include what the Court called "religions" not based on belief in God. I wrote: "The problem with a definition of religion that includes almost everything is that the practical effect of inclusion comes to mean almost nothing. Free exercise protections become diluted as their scope becomes more diffuse. When religion has no more right to free exercise than irreligion or any other secular philosophy, the whole newly expanded category of 'religion' is likely to diminish in significance."

Unfortunately, the tide of thought and precedent seems contrary to this position. While I have no concern with expanding comparable protections to non-religious belief systems, as is done in international norms that protect freedom of religion or belief, I object to doing so by re-interpreting the First Amendment guarantee of free exercise of religion.

It was apparent twenty-five years ago, and it is undeniable today, that the significance of religious freedom is diminishing. Five years after I gave my DePaul lecture, the United States Supreme Court issued its most important free exercise decision in many years. In *Employment Division v. Smith*, the Court significantly narrowed the traditional protection of religion by holding that the guarantee of free exercise did not prevent government from interfering with religious activities when it did so by neutral, generally applicable laws. This ruling removed religious activities from their sanctuary—the preferred position the First Amendment had given them.

Now, over twenty years later, some are contending that a religious message is just another message in a world full of messages, not something to be given unique or special protection. One author takes the extreme position that religious speech should have even less protection. In *Freedom from Religion*, published by the Oxford University Press, a law professor makes this three-step argument:

1. In many nations "society is at risk from religious extremism."

2. "A follower is far more likely to act on the words of a religious authority figure than other speakers."

3. Therefore, "in some cases, society and government should view religious speech as inherently less protected than secular political speech because of its extraordinary ability to influence the listener."

The professor then offers this shocking conclusion:

"[W]e must begin to consider the possibility that religious speech can no longer hide behind the shield of freedom of expression. . . .

"Contemporary religious extremism leaves decision-makers and the public alike with no choice but to re-contour constitutionally granted rights as they pertain to religion and speech."

I believe most thoughtful people would reject that extreme conclusion. All should realize how easy it would be to gradually manipulate the definition of "religious extremism" to suppress any unpopular religion or any unpopular preaching based on religious doctrine. In addition, I hope most would see that it is manifestly unfair and short-sighted to threaten religious freedom by focusing on some undoubted abuses without crediting religion's many benefits. I am grateful that there are responsible voices and evidence affirming the vital importance of religious freedom, worldwide.

When Cardinal Francis George, then President of the U.S. Conference of Catholic Bishops, spoke at Brigham Young University last year, he referred to "threats to religious freedom in America that are new to our history and to our tradition." He gave two examples, one concerning threats to current religious-based exemptions from participating in abortions and the other "the development of gay rights and the call for same-sex 'marriage.'" He spoke of possible government punishments for churches or religious leaders whose doctrines lead them to refuse to participate in government sponsored programs.

Along with many others, I see a serious threat to the freedom of religion in the current assertion of a "civil right" of homosexuals to be free from religious preaching against their relationships. Religious leaders of various denominations affirm and preach that sexual relations should only occur between a man and a woman joined together in marriage. One would think that the preaching of such a doctrinal belief would be protected by the constitutional guarantee of the free exercise of religion, to say nothing of the guarantee of free speech. However, we are beginning to see worldwide indications that this may not be so.

Religious preaching of the wrongfulness of homosexual relations is beginning to be threatened with criminal prosecution or actually prosecuted or made the subject of civil penalties. Canada has been especially aggressive, charging numerous religious authorities and persons of faith with violating its human rights law by "impacting an individual's sense of self-worth and acceptance." Other countries where this has occurred include Sweden, the United Kingdom, and Singapore.

I do not know enough to comment on whether these suppressions of religious speech violate the laws of other countries, but I do know something of religious freedom in the United States, and I am alarmed at what is reported to be happening here.

In New Mexico, the state's Human Rights Commission held that a photographer who had declined on religious grounds to photograph a same-sex commitment ceremony had engaged in impermissible conduct and must pay over \$6,000 attorney's fees to the same-sex couple. A state judge upheld the order to pay. In New Jersey, the United Methodist Church was investigated and penalized under state anti-discrimination law for denying same-sex couples access to a church-owned pavilion for their civil-union ceremonies. A federal court refused to give relief from the state penalties. Professors at state universities in Illinois and Wisconsin were fired or disciplined for expressing personal convictions that homosexual behavior is sinful. Candidates for masters' degrees in counseling in Georgia and Michigan universities were penalized or dismissed from programs

for their religious views about the wrongfulness of homosexual relations. A Los Angeles policeman claimed he was demoted after he spoke against the wrongfulness of homosexual conduct in the church where he is a lay pastor. The Catholic Church's difficulties with adoption services and the Boy Scouts' challenges in various locations are too well known to require further comment.

We must also be concerned at recent official expressions that would narrow the field of activities protected by the free exercise of religion. Thus, when President Obama used the words freedom of worship instead of free exercise of religion, a writer for the Becket Fund for Religious Liberty sounded this warning:

"To anyone who closely follows prominent discussion of religious freedom in the diplomatic and political arena, this linguistic shift is troubling.

"The reason is simple. Any person of faith knows that religious exercise is about a lot more than freedom of worship. It's about the right to dress according to one's religious dictates, to preach openly, to evangelize, to engage in the public square."

Fortunately, more recent expressions by President Obama and his state department have used the traditional references to the right to practice religious faith.

Even more alarming are recent evidences of a narrowing definition of religious expression and an expanding definition of the so-called civil rights of "dignity," "autonomy," and "self-fulfillment" of persons offended by religious preaching. Thus, President Obama's head of the Equal Employment Opportunity Commission, Chai Feldblum, recently framed the issue in terms of a "sexual-orientation liberty" that is such a fundamental right that it should prevail over a competing "religious-belief liberty." Such a radical assertion should not escape analysis. It has three elements. First, the freedom of religion—an express provision of the Bill of Rights that has been recognized as a fundamental right for over 200 years—is recast as a simple "liberty" that ranks among many other liberties. Second, Feldblum asserts that sexual orientation is now to be defined as a "sexual liberty" that has the status of a fundamental right. Finally, it is claimed that "the best framework for dealing with this conflict is to analyze religious people's claims as 'belief liberty interest' not as free exercise claims under the First Amendment." The conclusion: Religious expressions are to be overridden by the fundamental right to "sexual liberty."

It is well to remember James Madison's warning: "There are more instances of the abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations."

We are beginning to experience the expansion of rhetoric and remedies that seem likely to be used to chill or even to penalize religious expression. Like the professors in Illinois and Wisconsin and the lay clergyman in California, individuals of faith are experiencing real retribution merely because they seek to express their sincerely held religious beliefs.

All of this shows an alarming trajectory of events pointing toward constraining the freedom of religious speech by forcing it to give way to the "rights" of those offended by such speech. If that happens, we will have criminal prosecution of those whose religious doctrines or speech offend those whose public influence and political power establish them as an officially protected class.

Closely related to the danger of criminal prosecutions are the current arguments seeking to brand religious beliefs as an unac-

ceptable basis for citizen action or even for argument in the public square. For an example of this we need go no further than the district court's opinion in the Proposition 8 case, *Perry v. Schwarzenegger*.

A few generations ago the idea that religious organizations and religious persons would be unwelcome in the public square would have been unthinkable. Now, such arguments are prominent enough to cause serious concern. It is not difficult to see a conscious strategy to neutralize the influence of religion and churches and religious motivations on any issues that could be characterized as public policy. As noted by John A. Howard of the Howard Center for Family, Religion and Society, the proponents of banishment "have developed great skills in demonizing those who disagree with them, turning their opponents into objects of fear, hatred and scorn." Legal commentator Hugh Hewitt described the current circumstance this way:

"There is a growing anti-religious bigotry in the United States. . . .

"For three decades people of faith have watched a systematic and very effective effort waged in the courts and the media to drive them from the public square and to delegitimize their participation in politics as somehow threatening."

The forces that would intimidate persons with religious-based points of view from influencing or making the laws of their state or nation should answer this question: How would the great movements toward social justice cited earlier have been advocated and pressed toward adoption if their religious proponents had been banned from the public square by insistence that private religious or moral positions were not a rational basis for public discourse?

We have already seen a significant deterioration in the legal position of the family, a key institution defined by religious doctrine. In his essay "The Judicial Assault on the Family," Allan W. Carlson examines the "formal influence of Christianity" on American family law, citing many state and United States Supreme Court decisions through the 1950s affirming the fundamental nature of the family. He then reviews a series of decisions beginning in the mid-1960s that gave what he calls "an alternate vision of family life and family law." For example, he quotes a 1972 decision in which the Court characterized marriage as "an association of two individuals each with a separate intellectual and emotional makeup." "Through these words," Carlson concludes, "the U.S. Supreme Court essentially enlisted in the Sexual Revolution." Over these same years, "the federal courts also radically altered the meaning of parenthood."

I quote Carlson again:

"The broad trend has been from a view of marriage as a social institution with binding claims of its own and with prescribed rules for men and women into a free association, easily entered and easily broken, with a focus on the needs of individuals. However, the ironical result of so expanding the 'freedom to marry' has been to enhance the authority and sway of government."

"As the American founders understood, marriage and the autonomous family were the true bulwarks of liberty, for they were the principal rivals to the state. . . . And surely, as the American judiciary has deconstructed marriage and the family over the last 40 years, the result has been the growth of government."

All of this has culminated in attempts to redefine marriage or to urge its complete abolition. The debate continues in the press and elsewhere.

IV.

What has caused the current public and legal climate of mounting threats to religious freedom? I believe the cause is not legal but cultural and religious. I believe the diminished value being attached to religious freedom stems from the ascendancy of moral relativism.

More and more of our citizens support the idea that all authority and all rules of behavior are man-made and can be accepted or rejected as one chooses. Each person is free to decide for himself or herself what is right and wrong. Our children face the challenge of living in an increasingly godless and amoral society.

I have neither the time nor the expertise to define the various aspects of moral relativism or the extent to which they have entered the culture or consciousness of our nation and its people. I can only rely on respected observers whose descriptions feel right to me.

In his book, *Modern Times*, the British author, Paul Johnson, writes: "At the beginning of the 1920s the belief began to circulate, for the first time at a popular level, that there were no longer any absolutes: of time and space, of good and evil, of knowledge, above all of value."

On this side of the Atlantic, Gertrude Himmelfarb describes how the virtues associated with good and evil have been degraded into relative values.

A variety of observers have described the consequences of moral relativism. All of them affirm the existence of God as the Ultimate Law-giver and the source of the absolute truth that distinguishes good from evil.

Rabbi Harold Kushner speaks of God-given "absolute standards of good and evil built into the human soul." He writes: "As I see it, there are two possibilities. Either you affirm the existence of a God who stands for morality and makes moral demands of us, who built a law of truthfulness into His world even as He built in a law of gravity. . . . Or else you give everyone the right to decide what is good and what is evil by his or her own lights, balancing the voice of one's conscience against the voice of temptation and need. . . ."

Rabbi Kushner also observes that a philosophy that rejects the idea of absolute right and wrong inevitably leads to a deadening of conscience. "Without God, it would be a world where no one was outraged by crime or cruelty, and no one was inspired to put an end to them. . . . [T]here would be no more inspiring goal for our lives than self-interest. . . . Neither room nor reason for tenderness, generosity, helpfulness."

Dr. Timothy Keller, a much-published pastor in New York, asks:

"What happens if you eliminate anything from the Bible that offends your sensibility and crosses your will? If you pick and choose what you want to believe and reject the rest, how will you ever have a God who can contradict you? You won't! . . ."

"Though we have been taught that all moral values are relative to individuals and cultures, we can't live like that. In actual practice we inevitably treat some principles as absolute standards by which we judge the behavior of those who don't share our values. . . . People who laugh at the claim that there is a transcendent moral order do not think that racial genocide is just impractical or self-defeating, but that it is wrong. . . ."

My esteemed fellow Apostle, Elder Neal A. Maxwell, asked: "[H]ow can a society set priorities if there are no basic standards? Are we to make our calculations using only the arithmetic of appetite?"

He made this practical observation: "Decrease the belief in God, and you increase the

numbers of those who wish to play at being God by being 'society's supervisors.' Such 'supervisors' deny the existence of divine standards, but are very serious about imposing their own standards on society."

Elder Maxwell also observed that we increase the power of governments when people do not believe in absolute truths and in a God who will hold them and their government leaders accountable.

Moral relativism leads to a loss of respect for religion and even to anger against religion and the guilt that is seen to flow from it. As it diminishes religion, it encourages the proliferation of rights that claim ascendancy over the free exercise of religion.

The founders who established this nation believed in God and in the existence of moral absolutes—right and wrong—established by this Ultimate Law-giver. The Constitution they established assumed and relied on morality in the actions of its citizens. Where did that morality come from and how was it to be retained? Belief in God and the consequent reality of right and wrong was taught by religious leaders in churches and synagogues, and the founders gave us the First Amendment to preserve that foundation for the Constitution.

The preservation of religious freedom in our nation depends on the value we attach to the teachings of right and wrong in our churches, synagogues and mosques. It is faith in God—however defined—that translates these religious teachings into the moral behavior that benefits the nation. As fewer and fewer citizens believe in God and in the existence of the moral absolutes taught by religious leaders, the importance of religious freedom to the totality of our citizens is diminished. We stand to lose that freedom if many believe that religious leaders, who preach right and wrong, make no unique contribution to society and therefore should have no special legal protection.

V. CONCLUSION

I have made four major points:

1. Religious teachings and religious organizations are valuable and important to our free society and therefore deserving of their special legal protection.

2. Religious freedom undergirds the origin and existence of this country and is the dominating civil liberty.

3. The guarantee of free exercise of religion is weakening in its effects and in public esteem.

4. This weakening is attributable to the ascendancy of moral relativism.

We must never see the day when the public square is not open to religious ideas and religious persons. The religious community must unite to be sure we are not coerced or deterred into silence by the kinds of intimidation or threatening rhetoric that are being experienced. Whether or not such actions are anti-religious, they are surely anti-democratic and should be condemned by all who are interested in democratic government. There should be room for all good-faith views in the public square, be they secular, religious, or a mixture of the two. When expressed sincerely and without sanctimoniousness, the religious voice adds much to the text and tenor of public debate. As Elder Quentin L. Cook has said: "In our increasingly unrighteous world, it is essential that values based on religious belief be part of the public discourse. Moral positions informed by a religious conscience must be accorded equal access to the public square."

Religious persons should insist on their constitutional right and duty to exercise their religion, to vote their consciences on public issues, and to participate in elections and in debates in the public square and the halls of justice. These are the rights of all

citizens and they are also the rights of religious leaders and religious organizations. In this circumstance, it is imperative that those of us who believe in God and in the reality of right and wrong unite more effectively to protect our religious freedom to preach and practice our faith in God and the principles of right and wrong He has established.

This proposal that we unite more effectively does not require any examination of the doctrinal differences among Christians, Jews, and Muslims, or even an identification of the many common elements of our beliefs. All that is necessary for unity and a broad coalition along the lines I am suggesting is a common belief that there is a right and wrong in human behavior that has been established by a Supreme Being. All who believe in that fundamental should unite more effectively to preserve and strengthen the freedom to advocate and practice our religious beliefs, whatever they are. We must walk together for a ways on the same path in order to secure our freedom to pursue our separate ways when that is necessary according to our own beliefs.

I am not proposing a resurrection of the so-called "moral majority," which was identified with a particular religious group and a particular political party. Nor am I proposing an alliance or identification with any current political movement, tea party or other. I speak for a broader principle, non-partisan and, in its own focused objective, ecumenical. I speak for what Cardinal Francis George described in his address at Brigham Young University, just a year ago. His title was "Catholics and Latter-day Saints: Partners in the Defense of Religious Freedom." He proposed "that Catholics and Mormons stand with one another and with other defenders of conscience, and that we can and should stand as one in the defense of religious liberty. In the coming years, inter-religious coalitions formed to defend the rights of conscience for individuals and for religious institutions should become a vital bulwark against the tide of forces at work in our government and society to reduce religion to a purely private reality. At stake is whether or not the religious voice will maintain its right to be heard in the public square."

We join in that call for religious coalitions to protect religious freedom. In doing so we recall the wisdom of Benjamin Franklin. At another critical time in our nation's history, he declared: "We must all hang together, or assuredly we shall all hang separately."

In conclusion, as an Apostle of the Lord Jesus Christ I affirm His love for all people on this earth, and I affirm the importance His followers must attach to religious freedom for all people—whatever their beliefs. I pray for the blessings of God upon our cooperative efforts to preserve that freedom.

TRIBUTE TO JERRY SLOAN

Mr. HATCH. Mr. President, on February 11, 2011, the people of Utah received of some very bad news. On that day, Jerry Sloan announced that he was resigning his position as head coach of the Utah Jazz. Jerry is one of the most respected figures in all of sports, a Hall of Famer, and, for the people of Utah, an irreplaceable icon. He will most certainly be missed.

Coach Sloan was born and raised in rural Illinois. He played college ball at the University of Evansville. And, although he began his career in the NBA with the Baltimore Bullets, he will al-

ways be remembered for his years with the Chicago Bulls. Few probably remember that Jerry was, in fact, the first member of the Bulls' team, having been selected in the expansion draft prior to the team's first season in the NBA. Throughout his playing career, he was known as "The Original Bull."

As a player, Sloan was known for his tenacity on defense, his unmatched toughness, and his no-nonsense nature. Over the course of his career with the Bulls, he played in two All-Star Games, was named to the NBA All-Defensive First Team four times and the All-Defensive Second Team twice. After his retirement, the Bulls retired Sloan's jersey, the first jersey retirement in the history of the franchise.

After his playing days were over, Jerry joined the Bull's coaching staff, starting out as a scout, eventually working his way up to head coach, a position he held for three seasons. He joined the Jazz coaching staff a few years later as an assistant coach. In 1988, Jerry was named head coach of the Jazz, and he stayed in that position up until last week.

Jerry Sloan was the coach of the Jazz for 23 years. That is simply remarkable, not only in the modern NBA era but in the history of professional basketball. The NBA has seen a number of great coaches in its history, but none have coached the same team as long as Jerry Sloan coached the Jazz.

Coach Sloan's success is even more remarkable than his longevity. In the 23 seasons Jerry coached, the Jazz finished with a losing record only one time. The team was in the playoffs in all but three of those seasons, and they reached the NBA Finals twice, in 1997 and 1998. Jerry finished his career third on alltime wins list. He holds the record for most wins with a single team. No other NBA coach in history has even approached 1,000 wins with one team. Jerry won 1,127 as coach of the Jazz.

However, while Jerry has amassed an impressive pile of statistics, that is not what he will be remembered for. For fans of the Jazz and, indeed, for basketball fans everywhere, Jerry Sloan was the personification of old-fashioned values. As a longtime fan of the Jazz, I have always reveled in the fact that my favorite team has continuously been praised for its efficiency, discipline, and fundamentals. These have been the hallmarks of Utah Jazz basketball, and that is a direct reflection of Jerry Sloan. In an industry filled with agents, bright lights, and endless promotion, Jerry Sloan's Jazz were living proof that hard work and professionalism could trump market size and national popularity. In many ways, I think Utahns see the Jazz as a reflection of their own values and aspirations, and that is due, in large part, to the character of Coach Sloan.

Jerry was never one to seek after accolades or personal attention during his career. For him, basketball was a job, and he was a consummate professional. He was brutally honest when