

*Religious Freedom Annual Review 2020, [Religion and Religious Freedom in the COVID-19 Era: Finding Community and Hope. Second Session, 18 June, Question and Answer Session with Senators \[Kyrsten Sinema\]\(#\) \(D-Arizona\) and \[Mike Lee\]\(#\) \(R-Utah\), with ICLRS Director \[Brett Scharffs\]\(#\) Moderating](#) (edited transcript)*

### **Brett Scharffs**

I'd like to begin on a personal note. Can each of you tell us a little bit about how you've been personally affected by the Coronavirus crisis? Senator Lee, I know you spent some time in quarantine. What has this been like for you?

### **Senator Lee**

Thanks for letting me join you. And I especially want to thank my friend and colleague, Senator Sinema for joining us today. She's one of my favorite people in the Senate, one of the brightest minds and also one of the most personable. A couple of months ago, I had lunch with Rand Paul. And it turns out the price of having lunch with Rand Paul was that I got sent into quarantine for 14 days. During that time, I was surprised by a couple of things. First, it really does get kind of lonely, especially for an extrovert like me when you don't get to interact with actual people. At the same time, I learned things. There are a lot of things that can be done effectively and efficiently remotely. Not everything can be done through a Skype or a Zoom meeting like we're doing now, but during that four to six week period when everybody was staying at home most of the time, I don't think I've ever worked harder in my career in the Senate. I was up and on zoom calls and Skype conferences, and phone calls from the minute the sun came up until long after it had gone down and I got a lot done that way. But people miss the opportunity to interact with others at work, their places of worship, at the places where they socialize, and it's hard. It's a good reminder to be a good neighbor, a good friend and a good colleague to people because people need each other.

### **Senator Sinema**

I've known a number of people who have passed away because of the Coronavirus, and others are seeing their jobs cut or their wages cut. And one of the hardest things is being separated from family and friends. So, like everyone else who's social distancing, I made a lot of changes in my personal life. I buy groceries online and have them delivered to me. I was training for the Boston Marathon, but then I wasn't. I qualified for the Boston Marathon, learned it wasn't going to happen, then the date was changed and then the new date was canceled. And now I'm trying to run it virtually. So it's about these kind of adjustments that you make to your life and adjusting your expectations. It provides an opportunity for me to think about how you can be happy internally and not have to need external things to make you happy. What I'm really grateful for during this time of pandemic, to be a United States Senator because some people might know I had a really rough campaign. But it was worth every moment, because as a social worker (in fact, I got my bachelor's degree in social work at BYU back in 1995) this is the greatest place to be during a pandemic. I have the capacity to really help a lot of people. In early March when the pandemic was first coming, I sat down on the phone with my senior staff, and I restructured my entire budget. And I said, Look, just take out all the money that we were using for travel. We don't need it. I want to double the staff on my casework team at home in Arizona. So I hired 16 additional individuals, most of whom are social workers with a master's degree in social work, in order to be able to serve more constituents, because thousands of calls were coming in from businesses, from individuals who were scared about their IRS payment or unemployment

insurance or their loans. And we've been able to help thousands of people. That's been the biggest takeaway about the change in a pandemic is that I am grateful for my training, my education that allowed me to see an opportunity to restructure the way that we work so that I could help more people during this time. And to be honest with you, I anticipate that the needs that we're hearing from our constituents will continue long into this year and into next year. And so that need for assistance and help isn't going to change. And I want to make sure that I'm at the forefront ready to help people.

### **Brett Scharffs**

Senator Sinema, a few years ago, you wrote a book called *Unite and Conquer: How to Build Coalitions That Win and Last*. Are there any lessons from that book that you have found apropos during this time as you've thought about how we can try to be united at a time of deep division?

### **Senator Sinema**

I wrote that book in 2008 when I was serving as a state representative. It's designed to help people learn tools and skills to actually become better at building coalitions and bridging divides. I realized in my experience as a state legislator that I had a unique ability to reach across the aisle and bring people together in situations where it doesn't seem normal or likely. Mike and I could talk about examples of when we've done this together. Right before the Coronavirus, the two of us were running back and forth on the floor, working with colleagues on both sides of the aisle, and we achieved our goal that day. And I'm grateful because we were able to protect a lot of people in the United States with our actions. But people from the outside would look at that and think, what's going on? People were texting my staff--Sinema and Lee, what's going on? And I said, we're getting stuff done right now. The crux of the book is, how to understand who you are and own your own values, but also to be understanding and empathetic about other people who may have different values. I believe as Americans we all share the same core values, but they look different in the way we roll out policies or positions. And so if you're willing to roll back to those core values, you can find that common ground and find a third way forward. If you focus on the values, you can move forward. That's key: to be loving and nonjudgmental about someone else who might have a different opinion.

### **Brett Scharffs**

One thing I've been thinking a lot about is whether we have the right values and we've been imperfect in implementing them, and we're in the process of trying to become a more perfect union, or whether our values are so broken that we need to sort of burn it all down and start over. I'd like to hope that the founding ideals of our country are true and good values that we can try to implement more perfectly and implement in better ways.

### **Senator Sinema**

I think the challenge is it's not that our values aren't good, it's that they haven't been shared equitably for everybody. And that's the key. If you believe in equality and freedom for all, then you have to literally mean that for all. So right now, in the midst of a movement around Black Lives Matter, which by the way, I saw that the church teamed up with the African American community and is doing that effort together, which I'm very grateful for, and I hope many faith communities choose to do that as well. So right now, in the midst of a movement around Black Lives Matter, it is about understanding the values that we all share and hold dear and haven't

been equitably shared across our community. And so, it's not that our values are wrong, it's that we haven't done a good job of living them out.

### **Brett Scharffs**

Some of our viewers may not know this, but the NAACP has partnered with the Church of Jesus Christ, and in particular, the law school here at BYU. We're working on exoneration projects, which has to do with the expungement of criminal records on people's permanent records. When you come out of prison, one of the things that can really hobble you is the label, which makes it very difficult for you to rejoin society. Senator Lee, I'd like to ask you a question as well about this issue of partisanship. A recent Pew report that I saw in January reported that 91% of Americans, and this was true people of both parties, say that conflicts between Democrats and Republicans are very strong. This is a number that has risen sharply over the last decade. From your perspectives in the Senate, is there anything about the Coronavirus crisis that has made bipartisan cooperation easier or more difficult?

### **Senator Lee**

In some ways, it's made it easier, in some ways it's made it a little harder. Let me explain what I mean. Because of social distancing, and because of the fact that we went about six weeks without being in session at all, and we were not able to legislate, not able to interact on a person-to-person level, that shut down any compromise. But there are some challenges that came about as a result of social distancing that we've now with good reason adopted. When we're on the Senate floor, before the pandemic hit, there was a practice I refer to as a "scrum." Around the Senate floor, you'll see a number of scrums—people talking. Kyrsten's very often at the center of one of them, she likes to talk to everyone. So Kyrsten was saying, Okay, who can I help with? When everybody else was saying, hey, good luck. I hope you win this. Kyrsten said, Tell me who needs work, and I'd go and tell him. Oh, and by the way, she's not exaggerating at all about helping me on that vote shortly before the pandemic hit. I believe it was a War Powers Act Resolution we were working on together and Kyrsten was extraordinarily helpful. I have this whip list. You know, Democrats are good on war powers issues, and Republicans are not so good. So, all of our problem children that we were dealing with were Republicans. She was hunting people down for me in the hallway, in the cloakroom. She was writing notes to people who were in a phone booth, holding it up saying we need your vote, and it worked. So anyway, she means it. That's the magic that happens in a scrum: it really does forge a lot of bipartisan compromise. If you watch the Senate now you'll notice that there aren't that many members standing close together. We're wearing masks and generally standing at least six feet apart. So scrum is impossible.

At the same time, let me push back a little bit on the premise of the question, and also answer it in a different way specific to the Coronavirus. There is a premise in Washington that this deeply rooted bipartisan conflict results in intransigence. And it's easy to jump to the conclusion that this results from petulance on the part of individual members who just want to be disagreeable. I think it's an oversimplification and in many ways a great distortion of what happens. There are some areas where the two parties disagree. There are a whole lot where we don't, and particularly in connection with the Coronavirus. Look at the phase three legislation. This is a little bit more money than I've ever seen in one bill, nearly two and a half-trillion dollars, and yet it passed without any dissenting vote. This was a bipartisan compromise put together in a relatively short period of time. It doesn't mean it was perfect, but it was a significant compromise and people

came together, not in spite of, but because of this crisis and put their partisan politics behind them. So I think the Coronavirus pandemic really does have great potential to create more of those opportunities. But I don't want anyone watching or listening to this to think that those opportunities are rare. What's miraculous is not the moments when bipartisanship occurs, what's miraculous is how often it does happen in spite of our political differences. I find that with very, very few exceptions, there are almost no members of the Senate who don't want to find a deal.

### **Brett Scharffs**

Senator Sinema, do you have anything to add on that, on bipartisanship and Coronavirus?

### **Senator Sinema**

I do. I can say that for me personally, the hardest part of the virus, in terms of my service as a senator on the Senate floor, is not being able to go to multiple scrums every day. Mike is right. When I go to the floor of the Senate, I go to cast my vote. But I mostly go in order to build and deepen relationships with my colleagues. And so, I spent all of my time on the Senate floor talking with different groups of people, because they're groups that gather in order to get a specific thing done. But they're also groups that gather because these are people who like each other and spend a lot of time with each other. Right? So less cliquish than the House of Representatives, but still a lot like middle school. So I try to spend my time visiting all the different cliques so that I can get to know all of my colleagues. My approach has always been that when I have a personal, meaningful relationship based on non-legislative issues, when it's just an actual friendship with another person, we're going to get much farther down the road than we would otherwise.

You know, for six weeks of not being around each other is tough. And then to come back together and have it be so socially distant and have us not be able to be together—it does make it a little bit harder. And so I've had to transition. I'm doing more calling and texting; it has not stopped our ability to get things done in a bipartisan way, though. The problem, I think, is that we're giving more attention to conflict. And so the responsibility lies with all of us to reduce giving the attention to the conflict, and switch our attention to the resolution. And that would provide more incentive for both members of Congress and Senators to be more bipartisan, and it would provide an incentive for the media to cover those kinds of stories. You know, the story of the work that that Mike and I did on that war powers resolution, that didn't make the news. No one wrote a story about that, but it made a big difference in the lives of the people of America.

### **Brett Scharffs**

The topic that we're working on in this series of webinars of Religious Freedom Annual Review is thinking about the role of religion in public life and religious freedom. Religion really has become something of a wedge issue in US politics. It seems like a generation ago, there was a lot of agreement about religious freedom as an important value, and today it seems to be quite divisive along generational lines, ideological lines, and party lines. From your perspective, are there further ways and places where bipartisanship is possible on some of the important issues involving religion in the United States today?

### **Senator Sinema**

Remember that there's so much more that binds us together as Americans than the things in

which we are different. The core of who we are as Americans is something that we all share. And unfortunately, what we've seen is a rise in some politicians who are using religion as a tool to divide people, I think that that is a real disservice to the greatness and the genius of our system of government. You know, our forefathers deeply believed in religious liberty. That's why it's enshrined in the Constitution. The concept of freedom and liberty of religion is so important to America at its founding level that when I see politicians of both political parties who use it as a tool or a weapon against others, I find that to be disrespectful to our forefathers.

So, you know, the idea of moral agency, and the idea that you have the freedom to practice whichever religion or no religion that speaks to you and seems true to you, is one of the greatest strengths of our country, and it is what separates us from many other countries around the world, including other highly developed nations that still have state religions where state funding is going directly to religion. One of the things that bind us as Americans is the idea that the government has no right to tell you who to worship or how to worship. And when the government tries to do that, whether it does it through legislation and policy, or whether it be through political influence and partisanship is really, I think, dangerous to the fabric of our country. And, you know, we all have a responsibility as Americans to treat each other in the way that we would want to be treated. That is a message that is universal through every religion in our world's history, this idea of treat others as you would want them to treat you. It is true for every Christian and non-Christian religion and is true in the humanist community as well. And that I think is part of the core of our discussion around freedom of religion.

### **Brett Scharffs**

What do you see Senator Lee?

### **Senator Lee**

Very brilliantly expressed sentiments there, with which I strongly agree. I'd add to that by saying one of the things that binds us together as a nation is religious freedom. We are a nation of heretics. We always have been heretics. Our nation was founded by people, some of whom were breaking away from an old way of worshipping. And over time, this country welcomed people who worship differently or not at all.

I remember a great story from the journals of my great-great grandfather, when he was a missionary in the in the southern and eastern United States, back in the 1840s. There was a big problem with religious persecution in some of these communities. People would sometimes tar and feather those with whom they didn't agree. He said something in his journal that's always stuck with me. He said, "Sometimes when I got to a new town if I was feeling threatened I'd go and look for the closest known atheist, or person who had been accused of witchcraft, or Satan worship, or person who had been accused of running a brothel." He said, "I found that those people had endured persecution, based not necessarily I would add, on what they did so much as who they were."

Religious belief, like sexual orientation, like skin color, like so many other categories that we've learned can be the focus of persecution, are things that form a critical part of who we are, and are often the focus of discrimination [less] on the basis of what someone does so much as who they are. That's why it's so important for us to defend and protect them, because we're all heretics.

And when you look at the civil rights revolution in America that occurred 50-60 years ago, a lot of this came about as a result of faith communities that came together. For example, black churches, especially black churches in the south, were a focus of a core part of these early discussions that led to ground-breaking legislation. Black churches came together, they discussed issues, and they formed outreaches to non-black churches. Those people then came together in a way that they hadn't come together previously. And they start working on legislation that ended up changing the world for the better. I think we can do that, including in areas like religious freedom.

### **Brett Scharffs**

I've been thinking about that precedent of the Civil Rights Movement and Martin Luther King and others who were so instrumental in generating social movement towards the Civil Rights Act and other important legislation involving nondiscrimination in housing, for example. As I watched the funeral of George Floyd, I started wondering whether there might be a role for religion to play in trying to heal some of the racial divisions, the racial injustice that we face as a nation. Do you have any thoughts about the role of religion today with respect to the important social issues that divide us? Senator Sinema?

### **Senator Sinema**

Mike was mentioning, the Civil Rights Movement was incubated and born and supported and propelled by black churches, largely black churches in the south. But there was also a large movement of white allies who traveled to the south provide support during the Civil Rights Movement, and that was often also organized through faith communities in other parts of the country. And also a broad variety of religions and individuals who collectively organize absent faith—humanists and other groups like atheists, as Mike mentioned—these are also groups with affinity. And they provide, I think, a critical role as we move forward today. Seeing faith communities in the black community that are stepping forward and talking about what needs to happen to heal the racial divide in our country and to create that more perfect union, to finish the work that was started by their forefathers, not just in the Civil Rights Movement, not just in the time when voting rights were given, but all the way back to emancipation, to times of slavery. This is a road that our country has been struggling on for hundreds and hundreds of years, and faith leaders and faith communities speaking out now about the importance of doing the work to provide the support, to recognize and articulate that black lives matter, and that white individuals have a responsibility and a role to play in recognizing their own privilege. And the fact that that white privilege has blocked out access for members of the black community to full equity in our community for many years, that's really important.

It's also an opportunity for all faiths to look at their own practices and to say, what is it in our current practice or in our history that we need to address in order to be the right ally at this time? So as the black faith in the black church, and the black leaders are leading this movement, I think it's incumbent on religions throughout the country that are not predominantly black, just to step forward and say how can we support and how do we partner? And what work do we need to do within ourselves to make sure that we are allied in this movement towards equality?

### **Brett Scharffs**

I think that emphasis on both looking inwards and outwards, and also the emphasis on this not

just being a matter for churches that are majority black is something that all of us need to be thinking about. Senator Lee, what's your perspective on this question of the role that religion, religious groups, religious people might have, specifically with respect to the racial divide that we see in our country today?

### **Senator Lee**

Nearly all belief systems deal in some way or another with the morality and ethics of how you treat other people, and how you treat and interact with other people who might be oppressed, marginalized in society, over whom you might have some degree of power, dominion or control. And so that's one of the reasons why I think it's so important and profound that our religious freedom is protected in our First Amendment, and it's among the very first things overtly protected by the Constitution is that it's there to protect what precedes everything else, what precedes our speech, what precedes our conduct, our own individual right of conscience. If we protect that, we protect communities of believers, and communities of people who gather around a common set of ideals, regardless of their belief systems, I think that's the best way to promote a culture of tolerance and mutual respect in which these conflicts are less likely to occur. So whether you're following Buddhism, or Hinduism, whether you are a Christian or a Jewish person, or a Muslim, or a humanist, or a Zoroastrian, in each of these philosophies and religious traditions, you will find things in them that will talk to you about how you interact with others, especially the vulnerable, especially those over whom you might have dominion or control.

And this is what I find so, so tragic and also so emotionally compelling about the George Floyd story. We have to remember that human beings while flawed, are redeemable. But we can't lose sight of the fact that they're flawed. Governments can't act but through human beings. There is an interesting set of insights we can gain from Federalist 51 where Madison bemoaned the fact that we're not angels. If we were angels, we wouldn't need a government. If we had access to angels' governance, we wouldn't need all these rules around government. But government, we have to remember, is just the officially sanctioned use of collective coercive force. That's all it is. And that could be used dangerously. It is sadly the nature and disposition of nearly all human beings, as soon as they get a little authority as they suppose, to exercise that degree of unrighteous dominion. That is to abuse coercive authority. That's what happened for the most excruciating, horrible, inexcusable immoral and widely correctly condemned nine minutes in which that officer knelt on the neck of that poor man. This was a blatant disrespect of the inherent dignity and an immortal nature of the human soul. So any set of belief systems—Christian, Jewish, Muslim, Buddhist humanists—anything out there that brings people together to celebrate these ideas needs to be protected.

### **Brett Scharffs**

I think it's quite powerful to consider the impact that the George Floyd experience has had on us as Americans, because he was clearly imperfect and flawed. He was clearly someone who had challenges and failings in his own life. And yet, he still has the same human dignity as anyone else. So the affront to his dignity is just as great as it would have been had he been wealthy or powerful or a moral exemplar.

### **Senator Sinema**

But who amongst us does not have failings? Who amongst us does not have those issues? And I

think that's one of the things that that faith leaders can help us through as we face this incredible challenge as a nation. And that is the growing recognition on the part of nonblack people in our country to recognize that there has been systemic discrimination and prejudice, just like systemic acts of racism against black people in this country, not because of who they are, but because of the color of their skin. It had nothing to do with their individual behavior, whether they were exemplary, or whether they had made mistakes, which of course is all of us. The difference in treatment is systemically built into a system that, as Mike so eloquently said, the system itself is always flawed because it's just a collection of humans who put together a system and then enforce the system. So it is our collective responsibility to examine the system, and then figure out what has gone wrong, and how do we fix it. And that's the duty, we all share.

But one of the things that religious communities can do to be very helpful in this effort is to share the message of this inherent dignity and worth of individuals in the black community who have historically been marginalized and left behind, and to make sure that we are not tolerating individuals who seek to continue the system of unfairness or inequity like those white supremacists in our community who think that individuals should be treated differently and should not have access to the same benefits and protections under the law because of their birth. Religious communities can play a large role in speaking out and saying that that is not following the path of their Lord. It's not following the path of the God for whom they worship. And that creates this collective sense in our community of how we all treat each other regardless of your personal religion or faith. There is a standard in which we treat other individuals and other races, and it has to be a position of dignity and worth.

### **Brett Scharffs**

Thank you. I appreciate the way you expressed that. A couple of years ago, at this event, the Religious Freedom Annual Review, we had a remarkable discussion between two significant leaders. One was Professor Bill Eskridge, from Yale Law School, and he's one of the nation's leading gay rights advocates, and the other was Elder L. Whitney Clayton of Presidency of the Quorum of the Seventy of the Church of Jesus Christ. They talked about identity, and the perspective of Professor Eskridge as a gay man and the perspective of Elder Clayton as a Latter-day Saint whose forebears had crossed the plains. How they talked about identity—with respect to religion or sexual orientation was very similar. And it made me wonder whether these questions of identity are destined to divide us, or whether there are ways of thinking about identity that might create an avenue for unity. And this is a question I really wanted to raise with you Senator Sinema, because I know you're someone who's thought carefully about questions of identity. So what do you think? Is identity destined to divide? Or can we think about identity in ways that help us create common ground?

### **Senator Sinema**

Well, I think all of us live with multiple identities every day. So from my own experience, I was raised in the Church. I'm not an active member of the Church today, and not a member of a faith community. I am a member of the LGBT community. I'm also a woman, and I'm a professor, and I'm an athlete. The list of all of my identities is very long. And what I'm grateful for is the opportunity I had growing up to be comfortable in all of my identities, to know that I can be all these things. I don't have to be just one thing. The idea that you're a senator, and then that's all you are, and I know that happens sometimes, Mike, I'm sure, it happens to you, too, where



people will come and sometimes approach me and talk to me as if I was only a senator and not actually a human. And I think we have a real opportunity to see identity as complexity, like a multifaceted quilt of who you are. The genius of our American system is that it allows us to express our views, we can be ourselves, and we can live our best lives. You can be all of your identities at once, or sometimes some of them are more prominent than others. I think about one of Dr. King's most famous lines, where he said, "The arc of the moral universe is long, but it bends towards justice." And that means that the arc, the arc where some people's identities are recognized and respected and other identities are less respected in our community is part of that arc. And what our duty is, as Americans, is to pull that arc towards justice a little bit faster than it would go on its own. And what are the actions that we can take to tug on that arc? Part of that is recognizing the multi-faceted nature of your own identities, and then stopping to consider that someone else has their own multifaceted quilt of identities, and that while it is different than yours, it is equally valuable, and that it is just important to that person. Take the time to have that understanding and that empathy when you don't know someone else's experience, but you seek to understand it. That's how we get there: seeking to find that similarity of your humaneness bridges that divide.

People ask me sometimes how I managed to get elected in Arizona. I am the first Democrat to have won a senate seat in Arizona in 30 years. And it was not because of my party affiliation. It wasn't because of any of the labels of any of my identities. It was because people believe that I am genuine and authentic and that I listen to them and care about them. I get up each day wanting to make their lives better. And I don't know where that fits into identity. There's no label for that it's just a quality of who you are as a person and you can choose to make that the forefront of who you are. If we as Americans choose to focus on those qualities of our character, we can overcome this prejudice and discrimination that has resulted from seeing only the identity that is outside and then building these divisions because of that. Instead, we seek to love each other as humans and as people flawed but beautiful, and then seek to repair what has been done wrong in the past. That is what builds trust and builds unity.

### **Brett Scharffs**

Ján Figel', who has been EU special envoy for freedom of religion and belief, has something he says often. He talks about how he and his son are different in identity, but equal in dignity. If we think of our identities as complex and overlapping, a patchwork quilt in your words, then maybe it becomes easier for us to overcome identity politics as a tool of division, and begin to imagine the complexity of our identities as a mechanism that might help us find connections one with another. What do you think Senator Lee?

### **Senator Lee**

There is always more that unites us than divides us. Part of what makes us unique is each humans' unique, irreplaceable, unrepeatable combination of traits and qualities and then upbringing. But when you look at it, our similarities as humans, the emotions that we feel, the pain that we experience, disappointment and heartbreak that inevitably comes into each of our lives, is something that allows each of us to understand others in a way that far transcends skin color, religious affiliation, sexual orientation, gender identity, national origin, or any other category that we can think of.

I think it's also really important to make sure that we're very careful with how we treat people on the basis of identity with the coercive force that is law. Whenever you draw lines around something or someone, forming the basis of who someone is, or who an entire category of people might be, you're playing with fire. I once looked at criminal sentencing in pre-Revolutionary America. As I went through various colonies identifying who had been punished for what, who had been sentenced and convicted for what, I found that much of it made sense. Death penalties were ordered for crimes like murder, arson, rape, and burglary. Then I found convictions and death penalties for being a witch or a Quaker. This is one of the many reasons why we've got to be very careful when we draw the lines legislatively around groups of people because it can bring out the most base of human impulses. That's one way we can avoid having the identity impulse spiral out of control and result in violence.

### **Brett Scharffs**

Whatever our differences are, we want to aspire at least to equality under the law.

### **Senator Sinema**

I think this is one of the areas where we have real potential to make change right now. I am a social worker. I'm also an attorney. And when I was going through law school, I approached it from the perspective of a social worker. We want equity under the law, rather than equality under the law. Equity means that everyone is not just treated the same, but that everyone has the same opportunities and that it's fair for everyone. So you don't want the same outcomes for everyone. That's communism, and we don't want that. But equity is this idea that when you enter the system, you can be assured that it will be fair for you as it is for the person next to you, regardless of who you are. Whether you are African American, whether you are an immigrant, whether you are a woman, whether you are under the age of 18, whether you happen to be gay, that you still get the same fair shot in the system. We want that in our education system, in our criminal justice system, and we want it in our civil society. This great opportunity we have right now is to transition to this thinking of how to create equity in our community. So everyone feels like an equally valued person in the community.

### **Brett Scharffs**

Yes, what you say reminds me of that old saying that a crisis is a terrible thing to waste. As we think about these multiple crises that we're facing—the COVID crisis, the economic crisis, the racial justice crisis. Senator Lee, we're almost out of time, but I've really been impressed with your way of framing how we ought to be thinking about these issues from the perspective of families, that what we really want to do is to try to find ways of legislating that will make life better and easier for families, all families. Could you reflect a little bit on that for us. Is there anything about that perspective that might help us navigate this moment with these sort of trifecta of challenges that we're facing?

### **Senator Lee**

I think so. Look, the family is the fundamental unit of society. It is the natural condition in which people exist, in which they're raised. It's also significant that my friend James Lankford, who was a Baptist minister by training, likes to point out there are three levels at which you see a safety net in our society. The first level is with the family. The second level is with institutions of civil society like charitable organizations, faith communities, and other charitable institutions. And

then you've got the government. As he points out, if any one of those doesn't function properly, the other two are going to have big problems. Government can't address any of these unless you've got families and charitable organizations that are healthy and thriving and that are functioning. I think that is especially true with respect to families, not just because it's the fundamental unit of society, but because everyone is part of one. There is no moment in the world at any time in one's life, where one is more vulnerable than the moment they're born, or the time that they are children, and that's why it's so important to protect families and to make sure that they're able to function.

### **Brett Scharffs**

Senator Lee, if President Trump were to call you this afternoon and ask, "What should we be doing?" And then Senator Sinema I'd like your answer as well, I hope President Trump is calling you too.

### **Senator Sinema**

He's not, but okay. Go ahead.

### **Senator Lee**

We do need to move toward a kinder, gentler system of government, and in order to do that, we need to not put so many eggs in one basket. So almost every time I talk to President Trump, I try to connect it back to that. Not everything in society has to be government. Not everything government does has to be federal, and not everything that is the federal government has to be through the executive branch.

We've been seeing a couple of trends: over-federalization of American law, excessive delegation by the legislative branch to the executive branch as a feature, not a bug, and in order for members of Congress to avoid accountability, excessive concentration within both houses of Congress resides in a small handful of legislative leaders. If you flattened this, if we started deescalating things and putting things back where they belong, then not every presidential tweet would have to turn into an international crisis. We can reduce the emotional temperature in the room, if we'll start focusing on the right arm of government doing the right thing.

### **Senator Sinema**

First of all, I would agree with what Mike said. I served in the House during President Obama's tenure, and I gained some strange looks from my peers because at the time, I said over and over again, Congress has abdicated its responsibility to the executive branch, and that's a mistake. It's a mistake historically, it's a mistake in this moment of time, and it's a mistake because it fundamentally alters what our forefathers created. The House didn't want to make the hard choices or the tough decisions. By abdicating its responsibility, it created a vacuum. And we all know that nature abhors a vacuum. And every executive will move in to take that power when a vacuum is created, regardless of party. This is important because the party in the minority will always complain about the party in the White House taking too much power and overreaching their power as the executive branch, but they don't complain when it's their own party. And that's a problem. It creates an imbalance in the system our Founding Fathers created. That is the problem, not the partisanship. And so we all need to have the moral courage to, number one, do our job as members of Congress and number two, to call out this imbalance regardless of which

party is in charge. That's hard to do, it makes you a little bit unpopular at times, but it is what is important for the long term health of our country. So that's the first thing I would say.

The two items of advice I would give to the president are these: This is a time when our country needs compassion and empathy. A leader who, with the three crises we are facing—the health crisis, economic crisis, or the racial justice crisis—your opinion on the issue is less important than how you approach it with your people. I have found that in Arizona, whether or not someone agrees with me is much less important than how I interact with them. Do I show empathy and compassion? Do I seek to find understanding, even if we disagree on the outcome? Approach all of these crises and approach the nation from a place of compassion, empathy, and humility. It is okay to not know the answer of what comes next. Nobody knows. What's important is that we go on a journey together to discover it, and people will trust you and go with you if they believe that you were genuine and empathetic and compassionate.

Number two is, this is a hard ask, but forget about the election for a little bit. That's not just the advice I would give President Trump. That's the advice I give to everybody. The challenges we're facing right now are unprecedented. Nothing like this has happened in my lifetime. And if we approach each of these three crises from a frame of just thinking about this November, we will not solve them. We will not meet the demand, we will not rise to the moment. But if we can trust that the election will take care of itself, and people will vote for whom they trust and believe in based on our behavior, and we were to engage in authentic discussions about how to move forward in resolving each of these three crises, I do believe the election would resolve itself. And I do believe that we would find more unity in our country. And I think that Americans would be less fed up and disgusted with elected officials. This will happen if we are able to say we're doing what is right, and we're not thinking about November, November will work itself out.

### **Brett Scharffs**

Thank you for that call for empathy, compassion and humility. Thirty years ago when I was a student in Washington, DC, I remember being really intrigued by the unlikely friendship between Senator Hatch and Senator Kennedy. And they accomplished some remarkable things working together, including the Religious Freedom Restoration Act, which is important in my line of work where we think and care a lot about religious freedom, freedom of thought, conscience and belief for all people. I think those are really three things that would really help heal the situation in which we find ourselves. After spending this hour with the two of you, I have a little bit more hope that we can see our way through this difficult and challenging time. And on behalf of all of us here at the International Center for Law and Religion Studies, my colleagues at BYU Law School, I want to thank you for spending this time with us, and also more than your time, for sharing with us a vision and an attitude towards the road forward that I hope will inspire all of us. Thank you very much.