

I oppose passage of HR 4103, also known as the "Martin's Cove Land Transfer Act."

My testimony is partially based on the knowledge and experience that I have gained regarding, not only proposed and actual sales and exchanges of state and federal lands within the borders of Wyoming since 1995, but also upon a continuing examination of the management of both state and federal lands in that time frame. My endeavors and knowledge regarding land issues in Wyoming have been cited in the prestigious Wyoming Land and Water Review (a publication of the Wyoming Law School), the Seattle Times (Seattle Washington), Denver Post (Denver Colorado), High Country News (Colorado and western states) and almost every newspaper, television, and radio stations throughout Wyoming. Since 1995, there have been few proposals or actual sales or exchanges of state or federal lands that I have not thoroughly examined. These examinations have included visual inspections, review of government or state files, review of archaeology, cultural, historic values, interviews or review of both expert and public opinions. Based on my review of public land sales and exchanges since 1995, many proposed land sales or exchanges failed because they were not in the public's best interest.

In one federal land exchange in 1996, as a result of my appeal to the Interior Board of Land Appeals regarding the "Big Trails Land Exchange" in Washakie County, Wyoming, a change in requirements in the appraisal process was instituted nationwide by the Department of Interior to help resolve self-dealing and conflicts of interest.

Therefore, relying upon my experience and knowledge, I testify in opposition to the sale of those public lands in Wyoming referred to in the "Martin's Cove Land Transfer Act" for the following reasons:

I. Equal and unbiased preservation of ALL the national significance in the corridor

The public deserves to have government oversight to preserve ALL the historic significance of the Sweetwater Valley in an unbiased manner rather than allowing one historic event to overshadow the many other national and state historic events and significance. The only way to guarantee that the public's interest and interpretation can be preserved is to retain public ownership and control of all public lands in this historic corridor.

a). Although proponents of the bill may argue that the Mormon Church (*reference in my testimony to the Mormon Church or Mormons is not intended as disrespect for the Church or its members*) can do the better job of preserving the historic and physical integrity of the public lands in this corridor, including Martin's Cove, than the Bureau of Land Management (*hereinafter referred to as the BLM*), I believe evidence of what the Church has done and plans on doing on their private lands in this historic corridor point to a different conclusion. The Church is engaged in a religious and commercialization venture which, I believe is compromising the integrity of the history of the Sweetwater

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Valley and although they have this right on their private property, a defeat of HR 4103 will prevent the transfer of our public property to private property and will help ensure the integrity of the Sweetwater Valley.

Evidence of compromising the integrity and preservation of the historic significance of the Valley by the Church is already prevalent. From the moment the Mormon Church signed the papers to purchase the "Hub and Spoke Ranch" from the Sun family in 1996, they began compromising the history and integrity of the entire Sweetwater Valley.

There is not a history book written about the Sweetwater Valley or Devil's Gate that fails to talk of the historic nature of the "Hub & Spoke" or "Tom Sun Ranch." John Clay, writing about it in the 1800's has numerous passages in his book, "My Life on the Range" relating to the ranch. The historical significance of the "Hub and Spoke" is so widely recognized that it is listed in the book "Historic Ranches of the Old West," by Bill O'Neal, (*Only nine ranches in Wyoming were distinguished and listed in this book*). O'Neal wrote, "When Tom Sun established his Hub and Spoke Ranch in the shadow of the Oregon Trail landmark Devil's Gate, he became perhaps the first permanent settler in Wyoming's beautiful Sweetwater Valley. The name, Hub and Spoke, evokes some of the most colorful and questionable history in Wyoming and the West. The Sun Ranch buildings are listed as Registered National Historic Landmark.

Even though the name, "Hub & Spoke" has such historical and national significance, the name was changed to the Handcart Ranch immediately after it was sold in 1997. Soon after it was sold the church placed a large sign alongside the highway advising the public that this was now the Handcart Ranch, obliterating and destroying much of the historical significance of the area.

b). Others have complained of other actions of the church in failing to preserve the historical nature of the Sweetwater Valley. They complain that the Mormon Church is engaging in their own selective interpretation of history. After converting the Hub and Spoke ranch headquarters into a major LDS visitor center, in 1997 the church began conducting interpretive lectures to visitors.

Last year, the Salt Lake Tribune interviewed the Oregon California Trails Association (OCTA) preservation officer and past president of the organization, Dave Welch. Welch told of an OCTA tour of the area where "Trail buffs" complained that church missionaries focused exclusively on the Mormon handcart disaster episode without proper acknowledgement of the other historic trails that followed the same alignment; the Oregon, California and Pony Express National Historic Trails. Welch was quoted as saying, "They invited us into a converted barn, basically locked the door, gave a one-liner to the other trails and the rest of the talk was about the Mormons." Welch explained that some of their members felt it was a narrowly constrained version of history.

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c). It is reasonable to believe the church will continue their practice of displacing a lot of history with their own interpretation if H.R. 4103 passed and they acquired ownership of our public land overlooking the Sweetwater Valley. I and other critics of this bill fear that other historical events are all going to be dwarfed by the Mormon historical perspective.

d). Other preservation concerns besides the church's compromising of historic events that do not convey their religious message abound. I and many others are concerned with the lack of protection of the land and nature of the area. The Western Land Exchange out of Seattle Washington and others have expressed their concerns about the "intensive development" by the church on their private property and the impact this will have on our public lands if they also become private and the other public lands adjoining this development.

Since the Mormon Church purchased the historic Sun and Spoke Ranch in 1996, there has been an all out effort to turn the Valley into a Mormon religious shrine. The church has been encouraging mass pilgrimages to the Valley to allow people to achieve the Mormon religious experience. Newspaper reports indicate that in 1997 there were 70,000 people, 1998- 46,000 people, 1999 37,000 people and in 2001 in excess of 45,000 people who visited the site. If HR 4103 passes and the church continues its development, it is projected that as many as 100,000 converts, missionaries and other visitors will come to the valley.

The church has hundreds of handcarts for their religious following to push or pull approximately 4 miles to gain spiritual experiences. They have built a visitor's center. They have built a location where Mormon missionaries quilt. In their zeal to promote their religious experience, I and others believe that they are destroying the pristine nature, the solitude, and the fragileness of the Sweetwater Valley.

In 1997, the National Park Service, Department of Interior - California, Mormon, Oregon & Pony Express National Trails in Salt Lake City also expressed concerns with the impact of the "large increase in visitors." They wrote: "There are three other national historic trails on the same alignment as the Mormon Pioneer National Historic Trail. Impacts on resources related to all the trails will be considerable. Heavy visitation threatens not only the dunes at Martin's Cove, but the inscriptions near Devil's Gate. Vehicular and foot travel will temper the experience visitors have within the sight line of the Sun Ranch, Devil's Gate and Martin's Cove." The Park Service warned, "A cap should be placed on living history participants using handcarts to Martin's Cove."

The Park Service was also concerned with the interpretive services when they wrote, "historical context for all the national historical trails is paramount."

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e). The 1997 BLM environmental assessment (EA) contained concerns about the lack of preservation of the area.

The EA from the Rawlins District, EA WYO36-EA7-003, stated, "Changes have occurred over a short time. New foot trails and evidence of motor vehicle use off of existing roads can be seen. Recent off-road and off-trail activity has damaged vegetation which has exposed soil to wind erosion." The EA was also concerned with the impact on animals and the character of the area. "High level of human activity would disturb wildlife species such as pronghorn antelope, mule deer and raptors. In the course of a year Martin's Cove would be transformed from a nearly pristine area into a place where the impact of human use is very obvious." The EA stated, "It has become almost a religious pilgrimage to visit the site."

f). There is no doubt that the Mormon Church can do as it pleases, as it has done, regarding development of their private property for their religious purposes, but there should be no doubt that if our public property is sold to them and it becomes private property, they will then be able to also do as they please with and on what had been our public property. We, the public will have no say or oversight.

I and many others believe that if HR 4103 passes and the Mormon's are given private property rights to the public land in the Sweetwater Valley including the Devil's Gate and Martin's Cove area, there is little doubt that the Mormon presence will dominate and overshadow all other historical events that have taken place there in the past 160 years.

g). To any legislative bodies who listen to those who support this bill based upon the argument that the Mormon Church will preserve our public lands under private property rights should the best should question, "Since when has the criteria to sell our public lands to a private or religious enterprise been on the basis of differing arguments as to who will take the better care of it?" Subjective arguments such as this have never been the criteria as to whether to retain or sell our public lands and never should be.

II. Tourism

There are some who would propose to sell these public lands based on a tourism argument and the increase in tourism dollars that might be spent in our local communities. The Mormon Church is presently developing tourism and religious sites on their private land adjacent to the Cove. The Mormon Church has use, as well as the public does, of Martin's Cove under a cooperative agreement with our BLM. Since the BLM has developed and built an extensive trail system to the Cove, there is absolutely no reason to believe that the Church will forsake that agreement when it expires, but will renew so they also, can continue to use our public lands in the Cove. Despite whether our

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public lands are sold to the Church or not, the Church has extensive building programs being developed on their private lands and tourism will not be affected one iota whether our public lands are sold or not.

a) Rawlins Wyoming Chamber of Commerce has been promoted to support this bill on the basis that they will receive a heavy influx of tourism money. Many dispute the amount of money that Rawlins will realize in the long run beyond some gasoline purchases. First, the closest large city to Independence Rock/Devil's Gate is Casper, a city to the north. Casper would be the logical overnight stay for many. Unlike Cody Wyoming and Jackson Wyoming, the tourist dollars that Rawlins would receive would be at a minimum as many of the Mormon faith travel in a frugal manner, packing their food supplies with them.

b). From a high of 70,000 visitations to the Sweetwater Valley in 1997, the year the Mormons took possession of the Sun and Spoke Ranch, visitation dwindled in 1998 to 46,000 people, dwindled even further in 1999 to 37,000 people with an increase to 45,000 in 2001.

c). Any large influx of tourist to the Mormon commercial and religious sites on their private property is one of the very reasons that it is important to defeat HR 4103 - to enable our local BLM to continue to have control on our public lands and the fragile sand dunes in the area on our public land.

d). Although the Mormon pilgrimages to their private land adjacent to Devil's Gate may have an effect on an increase of Mormon followers and converts who visit the area, it could have a negative

effect on others who may have stopped at the BLM interpretive sites to visit the Oregon, California, Pony Express Trails and the other historical significant sites in the area. After seeing large Mormon signs alongside the highway, one overlooking Devil's Gate and all the trails such as the one which proclaims, "A Historic Site of the Church of Jesus Christ of Latter-day Saints," people of other religions may intentionally pass by and fail to stop.

III. The sale of this public property is in contravention of the goals of the Resource Management Plans

The BLM's own studies and 1986 Resource Management Plan (RMP) never contemplated disposing of these lands. BLM uses a coalition of experts over a period of years to plan and write their resource management plans for various areas within their districts. As a result, their RMP lists those lands that would be advantageous for BLM to dispose of. These lands are not on the disposal list, but were intended to be retained. The purpose of an RMP is to allow for long range goals. If HR 4103 is passed, with one fell and swoop, the RMP and its goals of retention of these public lands will be diminished.

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IV. HR 4103 would sever these public lands from a much larger block of public land

There is not a BLM District in Wyoming that does not have as its goal to block public lands into larger blocks of lands. None have as their goal to sever public lands from larger blocks. In the present case, the public lands encompassing Martin's Cove are part of a hundred thousand larger block of public land. Passage of HR 4103 and severing a 1640 parcel of public lands from the larger block of public lands is in contravention to decade long goals of BLM.

V. Public Access

a). In contravention to what has been said in some circles, there currently is and always has been legal public access to Martin's Cove through a large block of public lands to the east and north of the Cove. It would be feasible and possible for a recreational planner with BLM to mark out a walking trail from the east on public state lands near Devil's gate or from the north, northeast on public BLM lands. Lands accessible by trail are becoming more popular by some citizens as the preferred method to escape the crowds who can access public lands by road.

b). HR 4103, states that the public land will be conveyed to the Corporation of the Presiding Bishop "for the purpose of public education, historic preservation, and the enhanced recreational enjoyment of the public." There is not one mention in the bill of a guarantee of public access.

c). Even if some type of window dressing public access were to be later introduced into the bill, this would not cure the public access opposition to selling these public lands, but would, in my opinion, only be a method to try to placate public opposition.

Presently, the Church, through a cooperative agreement with BLM, does allow limited public access to cross their private lands to access the Cove. In exchange, BLM has spent approximately \$200,000+ in time, materials and labor to mark and develop footpaths to the Cove.

But I believe there is little doubt that the church's reason to purchase our public lands is not to give or promote public access, but to restrict, control and limit public access. This would not only include the 200 some acres in Martin's Cove, but also a large block of additional public lands. The Church is not content to just purchase the 50 to 60 acres that the 1856 campsite would have covered in the cove or the 200220 acres encompassing the entire cove, but they want to control and own 1640 acres of our public land, a distance in excess of 2 ½ miles long by 1 mile in width!

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Regarding public access, Representative Hansen from Utah, the prime sponsor of the bill, was quoted recently in the Casper Star Tribune saying, "I've never seen the LDS Church cut people out." I would respectfully ask Representative Hansen and his colleagues to review documentation of the Church's past attempts to "cut people out."

Several years after the church had purchased the Sun Ranch in the Devil's Gate area, they attempted to "cut people out" from public lands. They erected several "Private Property, No Trespassing" signs on the public land. It was not until August 2001; after the BLM told them they must remove the signs, that the signs were finally removed from our public land.

If Hansen and his colleagues had visited the Cody area several years ago, he could have seen the fishing area that the Mormon Church (Deseret Ranches) had developed on their property. For only a few hundred dollars a day, the public was "not cut out" from a day of fishing. In one of their private hunting ranches on the Utah/Wyoming border near Evanston, they "cut the people out" by charging huge fees to hunt.

If HR 4103 is passed, the sale will give exclusive ownership and control of an additional 1640 acres of public land at Devil's Gate to the church. Records in the Rawlins BLM offices reflect that of the 104,216 acres that BLM describes as the Handcart Ranch allotments, only 19% of these lands in the allotments are private 81% are either public BLM or Wyoming state lands.

d). I believe Representative Hansen and others who are supporting HR 4103 are giving false assurances that the Mormons will allow public access to the public lands.

In November 2001, Lee Underbrink, a member of the Casper Oregon California Trails Association, (an Association with members of less than 60 Wyoming residents) assured the public that they would have public access if the lands in the Devil's Gate area were sold to the church. He wrote, "The Mormons are good caretakers of their property, as anyone who has walked Temple Square will testify. Commenting on the then draft bill, he said, "The bill specifies that the church will keep the cove open and welcome to all."

I would challenge Mr. Underbrink and others who believe that the "church will keep the cove open and welcome to all," to visit Temple Square in Salt Lake City. In 1999, the church wanted to own a two-acre public block that belonged to the city. The city relented after an easement agreement was provided which allowed 24-hour public access from North Temple to South Temple streets. But the Mormon's included a provision in the easement that effectively let them set the rules and restrictions on the public easement. Those rules included the exclusive rights by the Mormons to distribute literature and broadcast music and speeches on the two acres of prior public land. In April 2002, the Salt Lake Tribune reported that two Baptists were arrested on criminal charges

because they were handing out leaflets on the public easement. The LDS released a statement which explained that the arrests demonstrate "why it is critical to the church to retain

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private property rights . . . " The Tribune reported, "The church maintains that since the two acre plot is now private property, and that the church, as private property owner, can do as it pleases." Attorneys for the two Baptist claim the easement restrictions are illegal. "We see the Baptists wind up in jail while the Mormons can pass out their literature." I believe that those who hear assurances that "the church will keep the cove open and welcome to all" should perhaps review past Church actions.

e). Concerns about closing off public access if the sale is allowed to go through have also been voiced outside Wyoming. Last year, the Salt Lake Tribune wrote that they have, "Some question whether church ownership will limit public access" if the Hansen bill is enacted.

d). There is little doubt that once this public area has been turned into a pilgrimage site, the church intends to close off public access, at the very least, on those days when they are engaging in religious ceremonies and any public access would be determined by any rules the church wants to impose on the public.

Reliable sources also note that the church was asked to give a perpetual public access easement to public lands in the cove or adjacent public lands to guarantee public access, but they refuse to do so.

VI. Access for public educational

When the first draft bill came out last year, Wyoming's Representative Barbara Cubin assured the public, "In any proposal, public access to the site for its historical value and educational purposes would be guaranteed."

Access to the cove to receive "educational" guidance from Mormon missionaries or biased historical interpretation is not the type of access that the majority of the public would consider an "education."

VII. Enhanced public recreation

In addition to public education and historic preservation, HR 4103, states that the public land will be conveyed to the Corporation of the Presiding Bishop for "enhanced recreational enjoyment of the public."

To many of those opposed to the bill, a reason to sell the land to the church for "enhanced recreational enjoyment of the public" appears to be far fetched. The church has admitted they want to purchase the public lands for religious purposes.

Lloyd Larsen, president of the Mormon Church stakehouse in Riverton has been quoted as saying that the church has sought the land sale to "make certain that Martin's Cove is

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bought and preserved as a sacred historical site for everyone to visit," and where they may "go to be inspired."

I believe it would take a long stretch of imagination to find any opportunity for "enhanced recreational enjoyment of the public" unless a "religious experience" is also an "enhanced recreational enjoyment" for the public. One must question what kind of "enhanced recreational enjoyment of the public" the bill refers to when the Mormon Church is building a sacred site to enable the Mormons to "go to be inspired." Unless the public considers indoctrination to church doctrine as "enhanced recreation," there will be no public "enhanced recreation" in the area as a result of the sale.

VIII. Church admits there are no problems

Lloyd Larsen, a Church spokesman has also been publicly quoted as saying that the motivation to buy Martin's Cove is not based on any problems with the BLM. He said, "We just want to ensure stability of future access to the site."

a) Larsen wants to ensure stability of future access to the site for the Mormon Church - conversely, this is an important reason why HR 4103 should be rejected - to ensure stability of future public access to our public lands.

The only assurance of public access to these public lands and the other thousands of acres of adjoining public lands can only be guaranteed by the continuing BLM presence in the area. The same reason Larsen gives to assure the church's "stability of future access" is one reason, of many, that our elected officials should give in opposing this bill.

VIII. Proceeds of the sale

There are some who have publicly stated that they oppose the sale because the proceeds of the sale would go to the federal government rather than to Casper's National Historic Trails Center. In the Wyoming Trail's Newsletter (May 2002, Newsletter Editor Lee Underbrink), it was written that Wyoming's delegation opposed the bill because "there is nothing for the people of Wyoming to support it."

I and others cannot fathom a more selfish reason to base ones position on whether to sell or retain our public lands in a National Historic Corridor. It is my opinion that these public lands and all the public lands in the corridor were part of history and to base support or opposition to the sale on a bribe, whether a tourist site in Casper will receive \$300,000 or whatever the appraisal price is, borders on prostituting our public lands.

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IX. Adjacent State Lands

The importance of all lands within this entire corridor and the impact they can have on the four national historic trails and other historic events is evident by the designation of state lands adjacent to Devil's Gate. In 2001, a section of state land was designated as "rare and uncommon" by the Wyoming Department of Environmental Quality. Each and every commercial or religious venture in this historic corridor has a detrimental impact on preserving the integrity of the Sweetwater Valley.

X. Conclusion

a). One cannot cure HR 4103 by amending the bill with a provision of "public access." The best guarantee of future public access to our public lands in the Cove area is through public ownership and control.

b). One cannot cure HR 4103 by amending the bill with a provision that guarantees that the proceeds will be channeled to Casper's National Historic Trails Center. These lands are public lands; not just Wyoming public lands and the decision on whether to retain or sell them must be made solely on the best interest of the public.

c). We cannot base a decision to sell our public lands based upon arguments as to who will better protect and preserve them. This is a subjective argument, with the result of such argument being determined on political favors. If we start introducing the criteria that a private or religious enterprise is better equipped to control our public lands, there will be no end to those who will scramble for special legislation to allow them a preferential and exclusive right to purchase our public lands.

In the same vein, we should not embark down the road of selling our public lands to those who claim that they are sacred to them. Not only is this one of the most dangerous precedents (and especially so because many people believe that the U.S. government stole a large amount of the lands they now manage from our American Indians), but it should also be remembered that sacred sites on public lands may not have special meaning to just one religious group, but may be sacred in other ways to the general public.

d). Evidence is already abundant that the Church is promoting this National Corridor in an unequal and biased interpretation of history. The Mormon Church is entitled to do as it pleases on its private property - and they have - but if HR 4103 passes, our public land will become their private property and therefore the public will have no control over what was once public property. The people of the United States have a right to an unbiased and equal interpretation of this corridor. Evidence is already apparent that the Church is engaging in preserving and enhancing the "Mormon version of history," but I and others

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fear that the Mormon version will overshadow and nearly obliterate the rest of the historical significance of the Sweetwater Valley.

e). It is only through BLM control, presence and retaining public ownership in all public lands in this historic corridor that the historical integrity of the Independence Rock/Devil's Gate and the corridor can be preserved.

Just because BLM has not defaced these public lands by turning them into a tourist attraction or shrine or temple does not mean they have not been preserved. In the past, the BLM erected interpretive sites which encouraged all people to silently reflect equally upon all the trails, including the California, Oregon, Mormon and Pony Express Trails and the wide corridor they all encompassed, the significance and hardships of all pioneers, cattle drives, emigrants and all those who passed through this corridor. In the past, it was a place where all could give reflective thought in the peace, quiet and solitude of the valley. Prior to the Mormon's purchase of the historic Sun and Spoke Ranch, the corridor, including Martin's Cove, which overlooks the trails was a place where deer, antelope and other wild animals frequented.

The Park Service has warned, "A cap should be placed on living history participants using handcarts to Martin's Cove." It is only through public ownership and control that the BLM can monitor and enforce this.

f). Several times in the past, those who have not been able to pass public scrutiny with land exchange proposals have resorted to special legislation to escape public opposition. This should not be allowed to happen in HR 4103. Records reflect that the Mormon Church approached the BLM to discuss a land exchange and made only one formal proposal. In that proposal, the private lands that the Church were offered to the public, in comparison to these public lands that overlooking and are a part of the public corridor, were not, in the opinion of the local BLM in the public's best interests. Apparently the Church then elected to try a religious/political maneuver to get ownership of our public lands which resulted in the sponsorship of HR 4103. The best information I have available indicates that every one of the sponsors to date, including the prime sponsor, Representative Hansen, are of the Mormon faith. If so, I believe HR 4103 is nothing more than a religiously influenced bill motivated by the Church's desire to bypass the usual procedure in Wyoming to get ownership of our public lands, but instead are asking for special state/church.

considerations.

Ironically, the Mormon Church is one of the most affluent churches in the world. It is one of the largest landowners of private land in the United States. It is one of the largest landowners of private land in the Devil's Gate and surrounding corridor of the four historic trails. They have asked for special legislation because, as their spokesman has stated, the Cove is a sacred site. One would believe that if these public lands are so very sacred to the Church, so sacred that they are now asking for special legislation, that with

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their vast financial and land wealth, they would have previously offered private lands to the public through a fair and equitable exchange process that would have been in the public's best interest, rather than negotiating on a one-sided basis - before asking for special privileges through HR 4103.

Perhaps as a viable alternative to HR 4103, to get their "sacred" site, Martin's Cove, the Church should go back to the customary land exchange process and offer to trade 1640 acres of the Sun and Spoke Ranch, including the national historic buildings which are on the banks of the Sweetwater River; or perhaps a complete inventory should be done of those public lands where the Mormon Church controls and denies public access in Wyoming to public lands and exchange

Martin's Cove for permanent public access.

Thankfully, our BLM managers rejected the one formal proposal offered by the Church in a land exchange proposal because it was not in the public's best interest - and they would have been remiss in their duties and responsibilities to the public if they had not done so.

I believe our elected officials have the same responsibility to the public and should now do the same and reject HR 4103.

(Although I believe that this bill is nothing more than a religious-influenced piece of legislation, nothing in my testimony is meant to show any disrespect for Mormons or the Mormon Church. Some may attack those who oppose this legislation as anti-Mormon, but nothing in my testimony is such. In fact, my mother and father, my sisters and a great deal of my family heritage are of the Mormon faith, all of whom I have the greatest love and respect for).

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