

Rocky Anderson threatens lawsuit over Prop. 2 compromise

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Published: November 15, 2018 6:16 pm

SALT LAKE CITY — Attorney Rocky Anderson issued a letter this week to groups connected to a Proposition 2 compromise bill, threatening legal action for "vastly altering the law mandated by the people."

Rick Bowmer, Associated Press

FILE - Rocky Anderson speaks with reporters outside the federal courthouse Tuesday, May 3, 2016, in Salt Lake City.

Among others, the letter is addressed to Marty Stephens, director of community and government relations for The Church of Jesus Christ of Latter-day Saints; D.J. Schanz, the director of the Utah Patients Coalition, which got Proposition 2 onto the ballot and agreed to the contents of the compromise bill; and Utah House Speaker Greg Hughes, who convened the private compromise negotiations between different sides of the initiative.

Anderson's letter claims the church's involvement in creating a bill to supersede the contents of the medical marijuana initiative violates Article I, Section 4 of the Utah Constitution, which states, in part, that "there shall be no union of church and state, nor shall any church dominate the state or interfere with its functions."

The church responded in a statement Thursday saying "broad community engagement" made the compromise possible, and it "stand(s) behind" the consensus bill that was reached by supporters and opponents of the initiative.

The Utah Patients Coalition initiative campaign also defended the compromise process. "We recognize we are in an arena with many voices and stakeholders. Making public policy collaboratively rather than confrontationally yields longer-lasting agreements and sustainable programs," Schanz said.

Anderson, a former mayor of Salt Lake City, says his law office is "investigating a legal challenge" into "the calling of a special session of the Utah Legislature," which he claims was "at the behest of" the church, "to materially alter the initiative statute supported by a majority of voters who passed Proposition 2 in the recent election."

"Through discovery, after the filing of a lawsuit (if that is necessary and if claimants determine that is the best route to take), we expect to obtain from you a number of documents and things, including letters, memoranda, files stored on your computers and your telephones," the letter says.

Anderson told the Deseret News the goals of any lawsuit would be "stopping the special session, stopping any move toward gutting the initiative."



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Anderson says in his letter he is acting as the attorney for the advocacy organization Together for Responsible Use and Cannabis Education, its founder Christine Stenquist, and Doug Rice, the interim president of the Epilepsy Association of Utah.

"This is one of those difficult areas where you've got competing constitutional rights, but the prohibition against the church controlling and interfering has to have some teeth," Anderson said. "There has to be some remedy for a violation of that provision."

Church spokesman Doug Andersen said in a statement that the church's involvement in the compromise process was indicative of being a team player among several organizations that have a stake in what the medical marijuana program may look like in Utah.

"As members of the community, we have worked, from the outset, with medical professionals, law enforcement, educators and many other groups and prominent community leaders to seek the best for the people of Utah, to provide relief from human pain and suffering, especially where children are concerned," Doug Andersen said.

"Broad community engagement was the reason a workable, beneficial and safer medical cannabis program was put together at the direction of state leadership. We stand behind and look forward to the safe, responsible and compassionate solution that will be considered by the state Legislature."

Jim Mone, Associated Press

FILE - In this June 17, 2015, file photo, marijuana plants grow at LifeLine Labs in Cottage Grove, Minn.

Voters passed the medical marijuana initiative earlier this month. Gov. Gary Herbert announced last month that he would call a special session after Election Day to pass a compromise bill, which key players on both sides of the Proposition 2 debate had agreed to support after meeting with legislative leaders.

Groups that had reached a consensus on supporting a compromise bill are the Utah Patients Coalition campaign and the Libertas Institute think tank and advocacy group on the pro-Proposition 2 side, and the Utah Medical Association and The Church of Jesus Christ of Latter-day Saints on the side against the ballot initiative.

The various parties — brought together by Hughes because he said he saw an opportunity for common ground — agreed to support the compromise bill after dozens of hours of private negotiations over the course of weeks.

Hughes, R-Draper, on Thursday used sarcasm to dismiss Rocky Anderson's threat of legal action.

"I think Rocky is gracious to include me in his latest Kabuki Theater act," Hughes said in a statement.