

LAW OFFICES OF ROCKY ANDERSON

November 14, 2018

Via email

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Sen. Stuart J. Adams
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Sen. Jerry W. Stevenson
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Via U.S. Mail

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Michele McComber
Utah Medical Association
310 E. 4500 S., Suite 500
Salt Lake City, Utah 84107

John Cannon
Office of Legislative Research and
General Counsel
210 House Building
State Capitol Complex
Salt Lake City, Utah 84114

Re: Domination and Interference by The Church of Jesus Christ of Latter-Day Saints of Utah Legislature – Utah Proposition 2, Medical Marijuana Initiative

Notice concerning obligation to maintain records

Dear Gentlemen/Ladies:

There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions.

Utah Constitution, Article I, Section 4.

The Church of Jesus Christ of Latter-day Saints (“The Church of Jesus Christ”) has a long history of dominating and interfering with the government of the State of Utah, often dictating to state and municipal legislators what legislative measures or policies they are to support or oppose. That dominance and interference is prohibited by the Utah Constitution.

The power of The Church of Jesus Christ to control public laws and policies, and its enthusiastic exercise of that power, is recognized not only throughout the State, but far beyond Utah’s borders.

[I]f Utah is not the theocracy envisioned by pioneer leader Brigham Young and other early Mormons, neither has its government shed a perception that has endured since statehood—that the state’s true seat of power is the Church Administration Building at the bottom of Capitol Hill.

Mike Carter (AP), “In Utah, Separating Church From State Can Be Nearly Impossible: Religion: Mormons dominate virtually every aspect of political life here. The state has defied the church only once in the last 60 years,” *Los Angeles Times*, March 21, 1993.

Virtually any issue the church deems a moral one is effectively decided at that point: Parimutuel betting (against). The MX missile (against). Tax deductions for religious contributions (for). The Equal Rights Amendment (against).

Id.

The Church of Jesus Christ has caused the sponsorship, passage, and/or defeat of many public laws—state, county, and municipal—for many years. It is common

knowledge that no liquor bill, sex education bill, gambling bill, or sexual orientation/gender identity bill will be passed by the Legislature without the support of The Church of Jesus Christ. Numerous city councils passed equal housing and employment laws (which the claimants and their counsel wholly support), protecting the rights of members of the LGBTQ community, solely because they were instructed that they should, or that it was alright for them to do so, by The Church of Jesus Christ.

Some legislators have candidly disclosed the legislative control exercised by The Church of Jesus Christ. For instance, Carl Wimmer, who served in the Utah House of Representatives from 2007 to 2011, has recounted the control and pressure exercised by The Church of Jesus Christ as follows:

Wimmer said church lobbyists and House leaders conducted meetings to apply pressure that members derisively called “PPIs,” or personal priesthood interviews, a name the LDS Church gives to private member consultations held by leaders, and which Wimmer had himself participated in as an elders quorum president.

He said he spoke with a House colleague who told him “what he had just experienced was an intense, closed-door meeting with select members of House leadership and LDS Church lobbyists who made it abundantly clear that when HB116 [the guest-worker bill] came up for a vote, he was to support the bill, period.”

A House leader told him that, if the vote was close, the leader would “have to vote for it; I have no choice.”

Wimmer wrote, “There was an intensity I had never felt before or after on the House floor. It was the intensity that comes only from political bullying, and it killed me to know that this time the ‘bully’ was my own church.”

Lee Davidson and Matt Canham, “Mormon church lobbying in Utah’s Capitol—hardball or light touch?,” *The Salt Lake Tribune*, March 29, 2015.

The control by The Church of Jesus Christ is exercised even if the end result dictated by The Church of Jesus Christ is contrary to the views or wishes of the majority of residents. Currently, the control being wielded by The Church of Jesus Christ is to ensure that a special session of the Utah Legislature—at tremendous public expense—is held within days of the effective date of an initiated state statute legalizing the medical use of

marijuana for people with qualifying medical illnesses. The purpose of The Church of Jesus Christ in forcing the special session is to radically undermine and alter the new law, which garnered majority popular support in the last election (Utah Proposition 2, Medical Marijuana Initiative (2018)). Vastly altering the law mandated by **the people** is contrary not only to the popular will, but contrary to the intention expressed in the Utah Constitution that **the people** can, through an initiative, directly exercise their constitutionally guaranteed legislative power.

The Utah Constitution instructs that “[f]requent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.” Utah Constitution, Article 1, Section 27. Hence, every person and institution seeking to undermine the will of **the people**, as reflected in the passage of an initiative statute, should be reminded, firmly, of the fundamental principles underlying Utah’s constitutional recognition of the power inhering in **the people** and the prohibition against domination by a church of the State or interference with its functions.

The Utah Constitution recognizes that all political power belongs to **the people**—not the Legislature, not just the rich and the powerful, and not any religious organization. In fact, the Utah Constitution makes clear that **the people** have the right to alter or reform their government as the public welfare may require.

All political power is inherent in **the people**; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require.

Utah Constitution, Article I, Section 2 (emphasis added).

The Utah Constitution emphasizes the authority of **the people** that serves as the basis for free government, for the equal protection and benefit of **the people**.

Because of the primacy of autonomy and political power held by **the people**, the Utah Constitution recognizes that legislative power does not belong solely to the legislative branch of government, but that “the Legislative power of the State shall be vested” also in “**the people** of the State of Utah,” as provided in the constitutional provisions for popular initiatives and referendums. Utah Constitution Article VI, Section 1.

Although initiative statutes may be amended or repealed by the Legislature, the almost immediate extreme undermining of numerous provisions of Proposition 2 at the behest of The Church of Jesus Christ is anti-democratic and contemptuous of the

recognition in the Utah Constitution that **the people** are to have the power to enact legislative changes. To rest on the technical ability of the Legislature to amend or repeal initiative statutes, just as it can amend or repeal its own statutes, is to make a mockery of the initiative process and constitutional recognition that **the people** are to have some real legislative control—and The Church of Jesus Christ is not to interfere.

We represent the following:

TRUCE (Together for Responsible Use and Cannabis Education), a nonprofit organization focused on educating the community and stakeholders about the legitimacy of cannabis therapeutics. TRUCE's goal is safe, legal, sensibly regulated access to medicinal cannabis for all patients who can benefit.

The Epilepsy Association of Utah, a nonprofit organization dedicated to providing opportunities for its members to live more normalized lives while managing their epilepsy, advocating for individuals living with epilepsy and seizure disorders, and providing resources and education for their families, communities, and care givers.

Doug Rice, a retired paramedic-captain. He was deployed to the World Trade Center in September of 2001 with Utah Task Force One, a FEMA urban search and rescue (USAR) team. Doug is a cancer survivor. Doug and his wife are full-time caregivers to their adult special-needs daughter, who suffers from Angelman's Syndrome and epilepsy. Their daughter uses cannabis to control her seizures. With prescription medications, she was having between eight and twenty-four seizures each day, usually two to five minutes in length. With the help of CBD (a cannabis compound that has significant medical benefits), she experienced three to six seizures of less than one minute each day. Wanting to further reduce her seizures, Doug tried adding THC (one of the cannabinoids identified in cannabis) to her daily regimen in Colorado and his daughter had her first seizure-free day in years.

Christine Stenquist, a brain tumor survivor, mother of four, and cannabis advocate. At twenty-four years old, she was diagnosed with an Acoustic Neuroma, a rare benign brain tumor. An unsuccessful surgery left 60% of the tumor still intact. At twenty-eight years old, she was diagnosed with Trigeminal Neuralgia, known as the suicide disease because of the extreme pain it causes. Over the following years, her health only worsened, leaving her housebound and bedridden for the better part of two decades. In 2012, her health declined even further. After her doctors could not recommend any adequate treatments, she eventually tried cannabis and found that it reduced her nausea enough to begin eating solid foods and reduced her pain enough that she was no longer bedridden and

was able to volunteer full time to fight for her and other patients' right to access medical cannabis.

We were contacted by these people and organizations for the first time during the past two days. We are investigating a legal challenge to (1) the calling of a special session of the Utah Legislature at the behest of The Church of Jesus Christ; (2) any effort, in collusion with or at the behest of The Church of Jesus Christ, to materially alter the initiative statute supported by a majority of voters who passed Proposition 2 in the recent election; and (3) the long-term pattern of domination of the Utah Legislature and the interference in the functions of Utah government by The Church of Jesus Christ.

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, including any voice messages, emails, or text messages or other data storage, including records of deletions of data or destruction of documents. As part of our initial discovery efforts, if discovery is undertaken, you will receive initial interrogatories and requests for documents and things.

The failure to preserve and retain the electronic data and evidence outlined in this notice may constitute spoliation of evidence, which may subject you to legal claims for damages and/or evidentiary and monetary sanctions.

In order to avoid spoliation, you will likely be required to provide the documents and data requested on the original media, or on exact copies of that media (sometimes referred to as image, evidentiary, or mirror copies), and be able to prove that the original matches the copy in every respect.

Additionally, in order to avoid spoliation, you are urged to suspend certain normal computer maintenance procedures, including, but not limited to, such procedures as defragmenting hard drives, deleting internet cookies, deleting browser history and favorites, and running any "disk clean-up" processes. We urge you to consult legal counsel about your duty to maintain records, to refrain from destroying documents or deleting any electronic data, and to suspend the above-referenced computer maintenance procedures.

We are likely to seek any evidence of deletions of electronic data or the destruction of paper documents.

You are urged not to destroy, delete, disable, erase, encrypt, alter, or otherwise render unavailable any documents, electronic data and/or evidence relevant to the claims

described above, and you are further urged to take reasonable efforts to preserve such data and/or evidence.

Electronic data, documents, and storage media that may be subject to discovery requests and that you may be obligated to maintain and not alter or destroy include, but are not limited to the following: correspondence, emails, faxes, texts, voice messages, audio recordings, video recordings, business files, administrative records, written or electronic communications, electronic copies of documents, or any other document or record relating to any lobbying or communications by or on behalf of The Church of Jesus Christ concerning any proposals, legislation, policies, or activities by any state, county, or municipal legislative body or executive personnel at any time, as well as advocacy by or on behalf of The Church of Jesus Christ relative to any initiative, referendum, legislation, or government policy or practice.

You are urged to preserve all information and things necessary to access, view and (if necessary) reconstruct the electronic data we may request through discovery.

With regard to electronic data created subsequent to the date of delivery of this letter, we urge that relevant evidence is not to be destroyed and you are to take whatever steps are appropriate to avoid destruction of evidence. In order to assure that your obligation to preserve documents and things will be met, please forward a copy of this letter to all persons and entities with custodial responsibility for the items referred to in this letter.

If there are any questions concerning the scope of this letter, please contact me, or— if you are represented—have your lawyer contact me, before taking any actions with respect to any records or data. Also, if you would like to discuss a resolution of the claims outlined above, please have your lawyer contact me.

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ross C. Anderson", with a long horizontal flourish extending to the right.

Ross C. Anderson