

Senate President threatens to arrest and drag Senators to Capitol to vote for LDS Church's bill to replace Proposition 2

Below is an email from Senate President Wayne Niederhauser to state senators, compelling their attendance at a special session called by the Governor, at the behest of The Church of Jesus Christ of Latter-day Saints, to override an initiative (Proposition 2) passed by the majority of voters during the last election. Reflecting the desperation underlying the call to attend the special session, President Niederhauser threatens to require the sergeant-at-arms to locate state senators and “ensure” their attendance.

This is all being done to comply with the desires of The Church of Jesus Christ to undermine the result of the election and the decision of the majority of voters to pass Proposition 2.

This is all (1) blatantly anti-democratic, (2) contemptuous of the majority of voters who supported Proposition 2, (3) at odds with the provisions in the Utah Constitution recognizing that all political power inheres in **the people** and providing that **the people** have the power to pass legislation through the initiative and referendum processes, and (4) reflective of the violation of the Utah Constitution’s prohibition against any church dominating the State or interfering in the functions of government.

Perhaps most importantly, these extraordinary measures to undermine the initiative statute supported by the majority of voters is incredibly divisive, fueling the sense that Utah is closer to a theocracy than a state in which the people are entitled, under the Utah Constitution, to legislate their own laws according to the rules governing voter initiatives.

The threat to arrest and force state senators to attend a special session of the Legislature to undermine the popular passage of Proposition 2 will be viewed throughout future history as a blatant power-grab by The Church of Jesus Christ of Latter-day Saints and those who have sacrificed their individual moral and political autonomy and their duties as public servants in blind obedience to their religious authorities.

All citizens, regardless of religious membership or viewpoints, and regardless of their support of or opposition to medical marijuana, should make their voices heard and stand in principled advocacy for democracy and the right of **the people** to legislate by initiative, as provided by the Utah Constitution.

Subject: Special Session attendance

Senators,

The Governor will call a special session on December 3 to address the medical cannabis bill. While the exact time has not been determined, it's anticipated to begin in the morning and will end in the afternoon.

Based upon the current results, Prop 2 will pass and go into effect on Saturday, December 1. The earliest opportunity for the Legislature to convene is December 3. Each of you have received a calendar invite holding December 3 as the date of the special session. Specific details as to the exact time will be provided in the coming days.

It is important to have every Senator attend the special session. To avoid legal issues, legal questions and public confusion, this bill needs an immediate effective date and thus must pass by a two-thirds majority. Specifically, law enforcement is very concerned with the "affirmative defense" provision in Prop 2, which protects medical cannabis users from criminal conviction, whether or not they have received a medical cannabis card.

Please make every effort to be in attendance. Several senators have already indicated they may not be available to attend, and this concerns me. While I understand you may have prior obligations and commitments, this will be a critical special session and requires each of you to attend.

I understand emergencies may arise, but it is my expectation that each of you be in attendance. If you believe you're not able to attend, please call me directly as soon as possible.

As Senate President, I can compel attendance of absent senators. While I don't believe that will be necessary in this case, due to the importance of the special session, I will not hesitate to order the sergeant-at-arms to find and ensure your attendance.

I thank each of you in advance. I know the difficulties this may have on your personal and professional lives, but this is one of the few times I'm willing to exercise my discretion to ensure your attendance.

Please let me know if you have any questions.

President Niederhauser