

Harvard Club – Box 126
27 West 44th Street
New York, NY 10036

john@johnkarls.com – please send any reply by e-mail since
April 24, 2018 my itinerary until May 10 is fluid

Mr. David Yarnold - CEO
National Audubon Society
225 Varick Street
New York, NY 10014

Dear Mr. Yarnold:

Re: The Last Chance To Save Great Salt Lake Rapidly Disappearing

Litigation in Federal District Court in the Southern District of New York Needed Immediately

[Comments of the Working Group of a Salt Lake City 12-Year-Old 150-Member Public-Policy Study Group]

Executive Summary

Both the 150-member public-policy study group that I have facilitated for 12.5 years in the vicinity of my Utah ski house, and its Great Salt Lake Working Group that I have chaired for nearly 3 years are among the greatest admirers of your organization for its commitment to the environment in general, and to our feathered friends in particular.

That was why, after being the only organization to advocate litigation for saving Great Salt Lake, we were overjoyed with the announcement of your organization last summer that it would engage in such litigation.

Especially since you were one of the heads of nine prominent environmental organizations (and editors of six of the nation's leading newspapers) to receive copies of our correspondence with the only organization in Utah capable of saving Great Salt Lake by calling a halt to the Bear River Pipeline Project -- The Mormon Church.

So we were delighted that an organization with the resources to conduct a credible litigation campaign would be taking over the effort. Especially since the obvious ability to conduct a credible litigation campaign would likely mean that it would not be necessary!!!

However, we are now nearly a year past the announcement of your litigation campaign and no litigation has been filed. Or even any negotiations conducted with the only organization in Utah capable of saving Great Salt Lake by calling a halt to the Bear River Pipeline.

Meanwhile, just as we feared, the State of Utah has been racing ahead in a blatant attempt to "shift the equities" by hiring a "Bear River Development Project Manager" who, presumably, has been signing contracts in order to expose the State of Utah to significant damages if a court were to consider enjoining the Project.

Yet, the only organization in Utah capable of saving Great Salt Lake by calling a halt to the Bear River Pipeline Project has just taken action in an unrelated field which should make it impossible for it to refuse to call a halt to the Bear River Pipeline Project provided that it is forthwith confronted with the prospect of litigation that will ruin one of the most prized features of its self-image!!!

Since your organization has done nothing in this regard after announcing last summer that it would undertake litigation, our organization is interested in raising contributions to undertake such litigation whether or not your organization is willing to move forward. Though of course, we recognize that such an effort would be much more successful if your organization is involved.

Accordingly, we would be very interested in exploring whether your organization would be willing to move forward and, if so, whether your organization would be willing to permit any donors we might solicit to make their contributions directly into a special fund or restricted account with your organization that would be used only to finance the litigation.

I will be in town May 9-13 and would be delighted to host you (and, if she is available, your General Counsel) for either breakfast or lunch at the Harvard Club on Thursday May 10 or Friday May 11, in order to discuss these matters. Hopefully, you will have time in your schedule to discuss what is required imminently to save Great Salt Lake.

You can let me know at your convenience at john@johnkarls.com. I'll keep both breakfast and lunch on both dates free until I hear from you.

Additional Background Information

On 9/21/2016, Utah Gov. Herbert's "Water Strategy Team" met to consider a 142-page draft "Water Strategy White Paper" requested by the Governor. There was a public uproar at the meeting because the public was still not being

permitted to see the draft. The meeting was adjourned following the decision to make the draft available on www.EnvisionUtah.org with public comments solicited by a 10/24/2016 deadline.

Our organization immediately invoked its “Short Fuse” Procedures pursuant to which all of our approximately 150 members were invited to join a Working Group to deal with the situation.

On 10/14/2016 our Working Group sent by Certified Mail - Return Receipt its comments to each of the 38 members of Gov. Herbert’s “Water Strategy Team” and, separately, to both the CEO and COO of Envision Utah which had prepared the draft. Those letters are available for download from the second section of www.ReadingLiberally-SaltLake.org entitled “Possible Topics For Future Meetings” by scrolling down to the posting entitled “ADDRESSED 2/8/2017: Destroying Great Salt Lake To Grow Hay For China.”

Although, perhaps, we may be taking too much credit, the “Water Strategy White Paper” project was temporarily abandoned. Indeed, www.EnvisionUtah.org still said as of 4/7/2017 that Envision Utah was seeking comments on the draft by the previous October 24!!!

The Only Organization in Utah Capable of Saving Great Salt Lake by Calling a Halt to the Bear River Pipeline Project -- The Mormon Church

On 10/31/2016 our Working Group sent by Certified Mail - Return Receipt a 4-page letter to each of the 15 top officials of The Mormon Church imploring them to call a halt to The Wanton Destruction of Great Salt Lake -- with copies to the heads of 8 national/international environmental groups and editors of 6 prominent national newspapers.

[Enclosure G indicates that your personal copy of that letter was received on 11/4/2016. For your convenience, another copy of the letter is included herewith as Enclosure A.]

Our letter reviewed how The Mormon Church not only claims that preservation of the environment is central to Mormon beliefs, but also how for many decades The Mormon Church has had a Sunday-morning nationwide telecast entitled “Music & The Spoken Word” whose video track features predominantly gorgeous scenes from nature!!!

Our letter then reviewed the assessment of Prof. Daniel McCool (U/Utah Political Science Professor and Director of the U/Utah’s Environmental and Sustainability Studies Program) that: (A) 82% of all of Utah’s water usage is consumed by the agricultural industry (vs. only 6% for residential lawns and gardens), (B) most of Utah’s water is used to grow alfalfa hay -- which consumes relatively high amounts of water -- and much of the hay is sold to China to feed dairy cows.

Our letter also noted that U/Utah Economics Prof. Gabriel Lozada stated that growing hay accounts for 65% of total Utah water usage, which is 1.5 million acre-feet/year or enough to cover all of Salt Lake County in 2.98 feet of water/year.

Our letter then reported that according to the Great Salt Lake State Park website, Great Salt Lake was 7.8 feet below normal -- which meant that with an average depth of only 13 feet Great Salt Lake was already only 48% full despite the previous season’s snowfall being 95% of the average of the 5 previous seasons.

Our letter then reviewed the travesty of only charging users of the Bear River Pipeline Project for 10% of its cost, with the rest to be financed through the Utah State Sales Tax.

It’s bad enough that Great Salt Lake is destroyed to grow hay for export to China, but to subsidize 90% of the cost of destroying Great Salt Lake is insane!!!

Accordingly, our 10/31/2016 letter to each of the top 15 officials who govern The Mormon Church asked them to issue a press release that The Mormon Church would sponsor a “legislative initiative” pursuant to Utah Constitution Art. VI Sec. 1 and Utah Code Title 20A Chapter 7 to require --

- (A) Immediate cessation of all actions in furtherance of the Bear River Pipeline; and
- (B) Dedication of all Utah State Sales Tax Funds that would otherwise been allocated to the Bear River Pipeline Project to be spent, instead, on purchasing (or taking by eminent domain) farmland in the water districts to have been served by the Bear River Pipeline -- based on the value (if any) of the farmland if the full costs (including construction) of the Bear River Pipeline were reflected 100% in water prices.

The Reaction to Our 10/31/2016 Letter

When our 10/31/2016 letter had been greeted by silence for 2.5 months, our 1/14/2017 weekly e-mail to our approximately 150 members announced that the subject for our 2/8/2017 meeting would be “The Mormon Church Condoning The Wanton Destruction of Great Salt Lake.”

On 1/20/2017 our monthly Short Quiz was posted on www.ReadingLiberally-SaltLake.org. Its Questions 27-43 addressed the desirability of re-activating our Great Salt Lake Working Group to investigate the feasibility of (and, if

possible, the institution of) a lawsuit against the U.S. Government for a Writ of Mandamus in U.S. District Court for Washington DC for its failure to oppose The Wanton Destruction of Great Salt Lake.

A mere 3 days later on 1/23/2017 the Deputy Director of the State of Utah Division of Water Resources announced the decision of the Division that The Bear River Pipeline which would have caused The Wanton Destruction of Great Salt Lake IS NOT NEEDED UNTIL 2035 OR 2040 IF EVER because growing hay for export to China is so wasteful of water, that as farmland is converted to residential use, the demand for water ACTUALLY DECLINES!!!

[Enclosure B is a 1/23/2017 transcript of that announcement on Fox New Channel 13 in Salt Lake City -- we chose the announcement on Fox News from among the many media accounts because we were attaching it to our 3/16/2017 letter to Gov. Herbert who is Republican and might view Fox as a more reliable source.]

[The 1/23/2017 transcript and the 3/16/2017 letter to Gov. Herbert were enclosures to our 4/5/2017 letter to each of the 15 top officials who govern The Mormon Church -- Enclosure G to this letter indicates that you received your personal copy of those materials on 4/12/2017.]

Once again, we may be taking too much credit for something -- but that announcement occurred a mere 3 days after our threatened lawsuit though the Utah Division of Water Resources may actually have had "a sudden epiphany on the Road to Damascus"!!!

Nevertheless, Yours Truly persisted with approving the re-activation of our Working Group at our 2/8/2017 meeting on the grounds that 50 years of practicing law in NYC and London had taught him never to accept an assurance from anyone "who may not have authority to go to the bathroom."

The re-activation of our Working Group at our 2/8/2017 meeting was unanimously approved.

On 3/16/2017 our Working Group HAND DELIVERED to Gov. Gary Herbert's personal secretary our letter imploring him to veto The Death Warrant for Great Salt Lake. (Please note at the bottom of the one-page letter the hand-written acknowledgment of his personal secretary that it was received on March 16.)

On 3/25/2017 Gov. Herbert signed Great Salt Lake's Death Warrant.

Doing so in truly "ready-fire-aim" fashion since, as noted above, he still would not have received the Report of his "Water Strategy Team" as of 4/7/2017 (the date on which each of the 15 Top Officials of The Mormon Church received our 4/5/2017 letter, as described in the next section of this letter!!!!)!!!

[Enclosure C is a copy of the 3/16/2017 letter to Gov. Herbert. As mentioned above, it was one of the enclosures with our 4/5/2017 letter to each of the top officials who govern The Mormon Church -- Enclosure G to this letter indicates that you received your personal copy of those materials on 4/12/2017.]

Our 4/5/2017 Letter to the 15 Top Officials of The Mormon Church about Litigation Against The Mormon Church For Fraud

Our 4/5/2017 letter to each of the 15 Top Officials of The Mormon Church provided a "Heads Up" about the following facts. [Enclosure D is a copy of that letter and Enclosure G indicates that you received your copy on 4/12/2017.]

On 3/31/2017 Yours Truly, as the Chair of our Working Group, met in the San Francisco Office of one of the world's largest national/international law firms with friends who had agreed to sue the U.S. Fish & Wildlife Service and the U.S. Environmental Protection Agency for Writs of Mandamus on a pro bono basis.

The legal research of our own Working Group had already ascertained that under the English-American common-law doctrine of "prior appropriation" of "riparian" water rights (which is followed in Utah), all of the water currently flowing into Great Salt Lake from the Bear River belongs to the 118-square-mile portion of Great Salt Lake and its shoreline comprising the Bear River Migratory Bird Refuge whose legal title has been lodged for decades in "The United States of America" and which is administered by the U.S. Fish & Wildlife Service. And that if the USF&WS has neglected to file THE NATION'S "riparian right" with the State of Utah, the Writ of Mandamus ordering them to enforce THE NATION'S "riparian" water rights should also include an order for them to do their duty and file the paperwork perfecting THE NATION'S right.

Accordingly, we had already concluded that a lawsuit for Writs of Mandamus against the EPA and USF&WS, which under 28 U.S. Code Sec. 1361 must be filed in Federal Court, should be brought in either NYC or Washington DC where we could avoid being assigned a Mormon judge and where a lawsuit could also be filed against The Mormon Church for alleged fraud.

The alleged fraud is based on the theory that The Mormon Church engineered the announcement of the Utah Division of Water Resources that the Bear River Pipeline is NOT needed as a way to defraud worldwide environmentalists from

NOT “remaining on their toes” to ensure that Gov. Herbert and Utah legislative leaders would not enact a Death Warrant for Great Salt Lake and proceed to such an extent (called “shifting the equities”) that no court would any longer order a halt to the Bear River Pipeline.

Whether or not the theory is true would be the subject of depositions of each of the 15 top leaders of The Mormon Church, Gov. Herbert and Utah legislative leaders, officials of the Utah Division of Water Resources, etc., ordered by the Federal Judge in NYC or Washington DC.

The Mormon Church is subject to the geographical jurisdiction of the U.S. District Court for the Southern District of New York because it owns a Temple across Broadway from Lincoln Center, and of the U.S. District Court for the District of Washington DC because it owns a Temple just outside the District in Maryland.

Our Working Group had also concluded that the “complete diversity of citizenship” between the defendant Mormon Church and ALL plaintiffs that would also be necessary for federal-court jurisdiction could be obtained by selecting as plaintiffs only citizens of countries in which The Mormon Church has no presence.

And we had ascertained from The Mormon Church’s own website that there are 58 member countries of the United Nations that do not even have Mormon missionaries.

And we had also concluded that the “free exercise of religion” does NOT include the right to commit torts such as fraud -- as has been on prominent display for the last decade or two in the case of all the lawsuits against the Roman Catholic Church for child molestation.

Subsequent Developments

The 15 top leaders who govern the Mormon Church presumably were concerned about how The Mormon Church’s reputation for concern for the environment might be ruined if they did not call a halt to the Bear River Pipeline Project.

[And none of our members thought for a moment that the 15 top leaders would not be able to successfully call such a halt if they decided to do so.]

But nothing ever happened!!!

We assume, but are not in a position to know, that the environmental clients of the San Francisco Office of one of the world’s largest national/international law firms described above, influenced either directly or indirectly, your organization to announce last summer that it would oppose the destruction of Great Salt Lake with litigation.

But since your announcement last summer, your organization has done nothing by way of litigation (or via the specter thereof) to test whether The Mormon Church is prepared to ruin its reputation for concern for the environment in order to “turn a blind eye” to the destruction of Great Salt Lake for a project that the State of Utah Division of Water Resources has determined is not needed.

Why The Mormon Church Might Now Be Even More Amenable and Why Any Contractual Liabilities From Authorized Activities of the State of Utah Bear River Pipeline Project Manager May Not “Carry The Day”

Even though our Working Group believed that The Mormon Church was/is the only organization in Utah capable of saving Great Salt Lake by calling a halt to the Bear River Pipeline Project, we were mindful that The Mormon Church HAD REFRAINED from taking positions on political issues since 1981, even when the political issues involved Mormon religious beliefs.

Enclosure E is a 5/6/1981 article from the New York Times explaining what happened at that time.

On 5/6/1981, the top 3 officials of the Mormon Church (President Spencer W. Kimball and the other two members of The Mormon Presidency, N. Eldon Tanner and Marion G. Romney) announced the opposition of The Mormon Church to the deployment of MX missiles in Utah and Nevada.

Their announcement said, in part: “Our fathers came to the Western area to establish a base from which to carry the gospel of peace to the peoples of the earth. It is ironic, and a denial of the very essence of that gospel, that in this same general area there should be constructed a mammoth weapons system potentially capable of destroying much of civilization.”

It went on to clarify that The Mormon Church did not oppose the deployment of MX missiles anywhere -- just not in Utah and Nevada.

The New York Times article noted that at that time, Utah had a population of 1.46 million of whom 1.0 million were Mormon.

Apparently, the criticism around the country is what caused The Mormon Church to refrain from taking political positions for the next 37 years.

But that has now changed!!!

There is now a “ballot initiative” in Utah to permit “medical marijuana.”

Enclosure F is a 4/10/2018 news article from the Deseret News announcing that The First Presidency of the Mormon Church (The First Presidency comprises the top 3 officials governing the Mormon Church -- the same 3 officials who opposed the deployment of MX missiles in Utah and Nevada) issued a prepared statement opposing the “medical marijuana” ballot initiative.

The Deseret News is Utah’s oldest newspaper (with the largest Sunday circulation and second-largest daily circulation) AND IS OWNED BY THE MORMON CHURCH.

Conclusion

As the CEO of the National Audubon Society, it should be possible for you and your General Counsel to obtain a meeting with the top leaders of The Mormon Church to discuss whether The Mormon Church would like to call a halt to the Bear River Pipeline Project in order to avoid being sued for fraud as described above.

Presumably they would not want the reputation of The Mormon Church for being a friend of the environment to be destroyed by all of the publicity surrounding such a lawsuit, whether or not all of the officials (both church and government) swear in their depositions that there was no connection between The Mormon Church and the announcement of the State of Utah Division of Water Resources that the Bear River Pipeline Project is NOT needed.

And now that The Mormon Church has resumed announcing political positions (the 4/10/2018 opposition to the medical marijuana ballot initiative), they can’t hide behind a “fig leaf” that they don’t take political positions.

And any contractual legal liabilities that may have piled up???

First, don’t underestimate the ability of The Mormon Church to “work miracles” in Utah!!!

Moreover, English-American common law regarding contracts requires the “mitigation of damages” which means that the actual minimum damages (e.g., loss of profit, not the entire contractual amount) means that even if contracts have already been signed, the actual damages will still only be a fraction of the contractual amounts.

And since the State of Utah Division of Water Resources has announced that the project is NOT needed, the total estimated cost of the project minus the (mitigated) damages represents a PURE SAVINGS for Utah taxpayers!!!

So there we have it!!! Voilà!!!

Please let me know whether you are available for breakfast or lunch on either Thursday May 10 or Friday May 11.

Looking forward to meeting you then,

Sincerely,

John Karls
JD, Harvard Law School, 1967
Who’s Who in American Law, 1988-2003
Who’s Who in America, 1988-2003
Who’s Who in the World, 1994-2003

Enclosures

Cc: Lorraine Sciarra, Esq. – Vice President and General Counsel – National Audubon Society

PS --

I see from a Wikipedia article about you that you live in Dobbs Ferry, so I am assuming that you commute on Metro-North’s Hudson Line to Grand Central so breakfast only 1.5 blocks west at the Harvard Club might suit your convenience (we open for breakfast at 7:00 am).

BTW, I envy your Dobbs Ferry perch on the Hudson River from which you see the zillions of birds migrating every Spring and Fall. I lived in Riverdale 1969-1975 overlooking the river and quite often would walk across the Henry

Hudson Bridge at Spuyten Duyvil into Inwood Park at the northern tip of Manhattan from which a promontory afforded a sweeping view from the Statute of Liberty to the Tappan Zee Bridge and those every-few-seconds clouds of thousands of migrating birds were always breathtaking!!! My fondest memories comprised the realization that many species that we see all year long in NYC and, therefore, assume do not migrate, do indeed do so!!! It's the northern members of the specie that migrate down to NYC in the winter and the southern members of the same specie that migrate up to NYC in the summer.

11911 Nicklaus Road
Sandy, UT 84092
October 31, 2016

Certified Mail – Return Receipt
STRICTLY PRIVILEGED AND CONFIDENTIAL

President Thomas A. Monson
The Church of Jesus Christ of Latter-Day Saints
50 E. North Temple Street
Salt Lake City, UT 84150

Dear President Monson:

Re: The Wanton Destruction of Great Salt Lake In Order To Grow Subsidized Hay For Export To China
Official Doctrine of The Church of Jesus Christ of Latter-Day Saints (aka The Mormon Church)

[Comments of the Working Group of an SLC 11-Year-Old 150-Member Public-Policy Study Group]

For anyone who has for decades treasured your every-Sunday-morning telecast entitled “Music And The Spoken Word,” two of the most appealing features are the scenes of the incomparable natural beauty of God’s Creation that accompany the music, and how “The Spoken Word” often focuses on God’s Creation and the importance of protecting it.

This is not surprising in light of the Official Doctrine of the Church of Jesus Christ of Latter-Day Saints regarding “Environmental Stewardship and Conservation” as set forth on www.mormonnewsroom.org/article/environmental-stewardship-conservation -- which claims to be “The Official Resource [of the Mormon Church] for News Media, Opinion Leaders, and The Public” -- as follows:

“All humankind are stewards over the earth and should gratefully use what God has given, avoid wasting life and resources and use the bounty of the earth to care for the poor and the needy.

“God created the earth to provide a place for the human family to learn, progress and improve. God first created the earth and all living things spiritually, and all living things have great worth in His eyes.

“The earth and all things on it should be used responsibly to sustain the human family. However, all are stewards — not owners — over this earth and its bounty and will be accountable before God for what they do with His creations.

“Approaches to the environment must be prudent, realistic, balanced and consistent with the needs of the earth and of current and future generations, rather than pursuing the immediate vindication of personal desires or avowed rights. The earth and all life upon it are much more than items to be consumed or conserved. God intends His creations to be aesthetically pleasing to enliven the mind and spirit, and some portions are to be preserved. Making the earth ugly offends Him.

“The state of the human soul and the environment are interconnected, with each affecting and influencing the other. The earth, all living things and the expanse of the universe all eloquently witness of God.”

Destroying Great Salt Lake In Order To Grow Subsidized Hay For Export To China

You may not be aware that the Utah Governor had appointed a Water Strategy Team to prepare for him a Water Strategy White Paper and that at the Water Strategy Team’s 9/21/2016 meeting to review a draft of the White Paper, there was a public uproar over the fact that the public had not been permitted to see the draft.

Accordingly, the Governor’s Water Strategy Team decided to defer any discussion until the 142-page draft had been made available to the public on <http://envisionutah.org/projects/utah-water-strategy> and public comments solicited with a 10/24/2016 deadline.

[Comments of our Working Group of the SLC 11-Year-Old 150-Member Public-Policy Study Group were sent Certified Mail - Return Receipt on 10/14/2016 to each of the 38 members of the Governor's Water Strategy Team, and to both the CEO and the COO of Envision Utah which had prepared the 142-page draft for the Water Strategy Team.]

The 142-page Draft is truly a wonderful compilation of zillions of recommendations that have been classified into 10 categories.

However, the Draft makes no sense of all of the zillions of recommendations, many of which conflict with each other.

Fortunately, a bottom-line assessment was provided by Prof. Daniel McCool (U/Utah Political Science Professor and Director of the U/Utah's Environmental and Sustainability Studies Program) in a 6/12/2015 interview by KSL, a report of which is still at the moment available on KSL's website.

Prof. McCool's assessment???

- 82% of all of Utah's water usage is consumed by the agricultural industry (vs. only 6% for residential lawns and gardens).
- "Most of Utah's water is used to grow alfalfa hay -- which consumes relatively high amounts of water -- and much of the hay is sold to China to feed dairy cows"!!!
- [U/Utah Economics Prof. Gabriel Lozada stated in a presentation in the U/Utah Law School's Moot Court Room on 9/21/2016 that growing hay accounts for 65% of total Utah water usage, which is 1.5 million acre-feet/year or enough to cover all of Salt Lake County in 2.98 feet of water/year.]
- Prof. McCool (cont'd from the KSL article): "Farmers are using thousands of dollars of water to grow hundreds of dollars of hay."

Funding For The Bear River Pipeline Through The Utah Sales Tax -- Enacted 3/25/2016

You may not be aware that on 3/25/2016, Senate Bill 80 was signed into law without even waiting for the Water Strategy Report.

In "Ready-Fire-Aim" fashion, the enactment of Senate Bill 80 means that a portion of Utah State Sales Tax has already been dedicated to the construction of the Bear River Pipeline and the Lake Powell Pipeline -- the only two construction projects that have been on the drawing boards in recent years.

An Environmental-Impact Statement Of The Wanton Destruction Of Great Salt Lake

As you probably know, the Bear River is one of three rivers that feed Great Salt Lake -- (1) the Bear River flowing from Bear Lake which straddles the Utah-Idaho border, (2) the Jordan River flowing from Utah Lake, and (3) the Weber River between the other two and starting in the Uinta Mountains.

According to the Great Salt Lake State Park website, Great Salt Lake is 7.8 feet below normal!!! The plaque at the lookout point in the Great Salt Lake State Park states that the average depth is only 13 feet!!! Which means that Great Salt Lake is already only 48% full!!! This despite last season's snowfall (438.5 inches) being 95% of the average for the previous 5 years per the website of Alta Ski Resort!!!

It should not be necessary to marshal all of the facts regarding what an environmental and ecological treasure The Great Salt Lake is to the entire world, much less our nation.

And how disastrous its destruction would be for many of God's creatures -- both those which are year-round residents of The Great Salt Lake and those for which it is an essential stop during their migrations!!!

Indeed, it is considered a mystery by many why The Great Salt Lake and its tributaries have not long since been designated a National Park in order to protect so many of God's creatures!!!

The State of Utah To Be Reimbursed For Only 10% Maximum Of The Cost Of The Bear River Pipeline

The Utah Legislature's Joint Water Commission comprising 14 Senators/Representatives and 3 Legislative Staffers met on 10/17/2016 to consider the first draft of "Guidelines" for how to allocate money from the Water Infrastructure Restricted Account (WIRA), funded by sales tax pursuant to the legislation enacted 3/25/2016 as Senate Bill 80.

The report of that meeting in the Salt Lake Tribune states that the current draft of the "Guidelines" provides that "beneficiaries of projects to develop the Colorado and Bear rivers as described in the Lake Powell Pipeline Development Act and Bear River Development Act will be required to provide at least 10 percent of the project cost."

Opponents note that this means (1) Utah taxpayers would permanently foot 90% of the \$5 billion of construction costs that proponents of the Bear River Pipeline and Lake Powell Pipeline want to obtain via the Utah State Sales Tax, and (2) Utah taxpayers may, in fact, have to permanently foot 100% of the \$5 billion of construction costs because the final "Guidelines" need only be treated as suggestions that can be disregarded.

The Salt Lake Tribune article states that Eric Millis, Director of the Utah Division of Water Resources which prepared the draft "Guidelines," claimed that the clause requiring beneficiaries to pay only 10% was intended, instead, to provide that beneficiaries will be required to pay 10% up front.

For anyone who has spent 50 years practicing law in NYC and London, such behavior would in those venues be typical of a strategy to draft precisely what is intended and then, whenever challenged, to claim unofficially that it means something else. Until, of course, the original offending language is finalized.

Whether The Mormon Church Will Apply Its Environmental Doctrine To The Real World

With "the eyes of the world watching" whether the Wanton Destruction of Great Salt Lake will be condoned, it is noted that several of the members of the First Presidency of The Mormon Church and of the Quorum of Twelve Apostles, which together govern The Mormon Church, are attorneys.

As a Good Samaritan, the following law-school-style hypothetical questions are respectfully posed for your prayerful consideration and the prayerful consideration of your colleagues who are responsible for leading Christ's Church:

1. If Utah farmers who currently consume 82% of all Utah water usage according to Prof. McCool, wanted to "cash in their winnings" by selling their existing farms for prices reflecting the "free water" from the Bear River Pipeline, and to buy replacement land "for a proverbial song" at Lake Sevier 90 miles southwest of Utah Lake (please assume arguendo the land would be available "for a proverbial song" since, as you probably know, Lake Sevier has for many decades been a dry lakebed in the Sevier Desert) -- then would the Mormon Church condone the Wanton Destruction of Utah Lake by "looking the other way" as a pipeline from Utah Lake to the Sevier Desert is constructed at no cost to the new farms in the Sevier Desert?
2. If the initial reaction to Question 1 is that The Mormon Church only proclaims religious principles but always refrains from applying them to real-world situations -- then if another Hitler posed a credible threat to kill millions of people in a policy of blatant genocide, would The Mormon Church "turn a blind eye" and refuse to apply its religious principles?

A Good Samaritan's Respectful Suggestion Of Effective Action For Your Consideration

It is respectfully suggested that The Mormon Church consider issuing a Press Release stating that it will take the following actions:

1. The Mormon Church will sponsor a "legislative initiative" pursuant to Utah Constitution Art. VI Sec. 1 and Utah Code Title 20A Chapter 7 to require --
 - Immediate cessation of all actions in furtherance of the Bear River Pipeline Project; and
 - Dedication of all Utah State Sales Tax Funds that would have been allocated to the Bear River Pipeline Project to be spent, instead, on purchasing (or taking by eminent domain) farmland in the water districts to have been served by the Bear River Pipeline -- based on the value (if any) of the farmland if the full costs (including construction) of the Bear River Pipeline were reflected 100% in water prices.
2. If the Mormon Church's "legislative initiative" should fail, The Mormon Church will lobby the U.S. Government to create a new National Park comprising the Great Salt Lake and its tributaries.

Thank you very much for your consideration.

Respectfully submitted,

John S. Karls
JD, Harvard Law School, 1967
Who's Who in American Law, 1988-2003
Who's Who in America, 1988-2003
Who's Who in the World, 1994-2003

Identical letters sent to --

Each of Your Colleagues in The First Presidency of The Mormon Church - Certified Mail Return Receipt

Each of Your Colleagues in The Quorum of The Twelve Apostles of The Mormon Church - Certified Mail Return Receipt

Cc: Certified Mail Return Receipt copies sent to --

The Under-Secretary General of the United Nations for the Environment and Executive Director of UNEP
The American Bird Conservancy
The National Audubon Society
The National Geographic Society
The Nature Conservancy
The Sierra Club
The Student Conservation Association
The Union of Concerned Scientists

The New York Times
The Washington Post
The Wall Street Journal
The Chicago Tribune
The San Francisco Chronicle
The Los Angeles Times

<http://fox13now.com/2017/01/23/state-postpones-billion-dollar-bear-river-project/>

State postpones \$2 billion dollar Bear River Project

POSTED 8:07 PM, JANUARY 23, 2017, BY [MAX ROTH](#), UPDATED AT 04:18PM, JANUARY 24, 2017

There follow --

(1) A summary of the 1/23/2017 interview by Fox News Channel 13 in SLC of Todd Adams, Deputy Director of the State of Utah Division of Water Resources. It was prepared by Max Roth who conducted the interview for Fox News Channel 13 in SLC.

(2) A transcript of the actual interview.

SALT LAKE CITY -- A \$2 billion water project is unnecessary for now, thanks to conservation efforts, according to the Utah Division of Water Resources.

The Bear River Project was originally approved by the Utah legislature in 1991. It was intended to dam the bear, creating one to three lakes in order to retain 220 thousand acre feet of water for residents of Northern Utah.

"When we originally started on the project it was needed in 2015. That was two years ago," said Todd Adams, deputy director of the Division.

Adams credits new meters that measure secondary water systems in Weber and Davis Counties, and said that new developments replacing agriculture tend to use less water.

Currently, he said the Division anticipates the date that such a project would be necessary will likely be after 2040.

"As we get new population projections, new water goals, new technology happens, potentially it will delay the project even further," said Adams.

Utah Rivers Council's Zach Frankel takes issue with the idea that the project will ever be necessary.

"They have spent at least \$23 million on Bear River Development in the last 16 years, but they have only spent \$4 million on water conservation," Frankel said in a written statement.

[Transcript of the actual interview by Fox News Channel 13 in SLC of Todd Adams, Deputy Director of the State of Utah Division of Water Resources.]

Fox News --

"The Bear River Project would cost an estimated \$2 billion but the Division of Water Resources did something that you're just not used to seeing from any organization. They said today despite having a green light, they're going to stop for now."

Todd Adams, Deputy Director --

"When we originally started the project, it was needed in 2015, that was 2 years ago."

Fox News --

"The Bear River starts in the high Uintas and flows north through Wyoming into Idaho before looping back to The Great Salt Lake, the last untapped vein of water in Northern Utah. The Bear River Project would build reservoirs costing about \$2 billion. Fox 13 produced an in-depth report featuring the project in 2014, conservationists and scientists telling us it would lower the Great Salt Lake, hurting the air and the snow pack along the Wasatch Front. But conservation has pushed the need for the project away, at least through 2035 or 2040."

Todd Adams, Deputy Director --

"As we get new population projections, new water-conservation goals, as new technology happens, potentially it'll delay the project even further."

Fox News --

"The state credits metering water in Weber and Davis counties. They have secondary water for irrigation that has been a flat-fee free-for-all for generations."

Todd Adams, Deputy Director --

"On the meters that have been installed, they've saved a lot of water and that will help us into the future."

Fox News --

"Another factor seems counter-intuitive, but population growth helps conserve water when housing replaces farm land."

Todd Adams, Deputy Director --

"As that gets converted to homes, that water is converted for municipal industrial purposes. Now that could be culinary water if it's clean to drinking-water standards, or it could be put in a secondary water system."

Fox News --

"So the Utah Rivers Council released a statement later tonight. They, they said that it's time for the state to really pull the plug on the project permanently. They say the state has spent five times more money planning the Bear River Project already than they have paid encouraging conservation. Either way, we're not going to see those dams on the Bear River for quite some time, if ever. Live in studio, Max Roth, Fox 13 News, Utah."

11911 Nicklaus Road
Sandy, UT 84092
March 16, 2017

DELIVERY BY HAND

The Hon. Gary R. Herbert
Governor of the State of Utah
Utah State Capitol Complex
350 North State Street, Suite 200
Salt Lake City, Utah 84114-2220

Dear Sir:

Re: Vetoing S.B. 113 and Suggested Veto Message to the Senate
Comments of 150-Member 11-Year-Old Monthly Public-Policy Study Group

For more than 11 years, I have facilitated a 150-member public-policy study group that meets each month in the Salt Lake Public Library.

Our group implores you to veto S.B.113 which was presented to you yesterday and our group respectfully suggests that "the governor's objections to the house in which it originated" as provided by Utah Constitution Art. VII, Sec. 8(1) include:

- Sec. 3 of S.B. 113 amends Utah Statute Sec. 59-12-103(5)(d) to appropriate funds for "(ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act; and (iii)....." As you are probably aware, the State of Utah Division of Water Resources has determined that the Bear River Pipeline Project is not needed until 2035 or 2040, if ever (please see the attached transcript of the 1/23/2017 interview by Fox News Channel 13 of Todd Adams, Deputy Director of the Division of Water Resources). Accordingly, this appropriation is inappropriate.
- Sec. 2 of S.B. 113 amends Utah Statute Sec. 35A-8-309 to provide for various powers and responsibilities of an "impact board" without defining the "impact board" -- and, it is noted, that "impact board" is not defined anywhere else in the Utah Code.

The "attached transcript" referenced in the first suggested comment is enclosed with this letter.

If you or your staff have any questions or comments, I can be reached at john@johnkarls.com.

Thank you for your consideration.

Respectfully submitted,

John S. Karls
JD, Harvard Law School, 1967
Who's Who in American Law, 1988-2003
Who's Who in America, 1988-2003
Who's Who in the World, 1994-2003

JSK:ae

Enclosure

Enclosure C

Received 3/16/17 Celia Wauson

11911 Nicklaus Road
Sandy, UT 84092
April 5, 2016/7

Certified Mail – Return Receipt
STRICTLY PRIVILEGED AND CONFIDENTIAL

President Thomas A. Monson
The Church of Jesus Christ of Latter-Day Saints
50 E. North Temple Street
Salt Lake City, UT 84150

Dear President Monson:

Re: Gov. Herbert Signs Great Salt Lake Death Warrant Despite Knowing The Bear River Pipeline Is Not Needed
Good Samaritan “Heads Up” Re Lawsuit Against The Mormon Church For Fraud Re The Environment

[Comments of the Working Group of an SLC 11-Year-Old 150-Member Public-Policy Study Group]

It is with a sad and heavy heart that we feel compelled to inform you that The Church of Jesus Christ of Latter-Day Saints is about to be sued in Federal District Court in either Washington DC or New York City for fraud regarding the environment.

Because our actions in opposing the Wanton Destruction of Great Salt Lake to grow subsidized hay for export to China have had the unintended effect of causing this lawsuit which is designed to bring maximum embarrassment to The Church of Jesus Christ over its alleged condoning (if not tacitly supporting) the Wanton Destruction of Great Salt Lake in apparent contradiction of the Official Doctrine of The Church of Jesus Christ entitled “Environmental Stewardship and Conservation” and in contradiction of the wonderful every-Sunday-morning telecast entitled “Music and The Spoken Word” which features the incomparable beauty of God’s Creation.

Maximum embarrassment to The Church of Jesus Christ as news organizations report on how you and your colleagues (along with Gov. Herbert and legislative leaders) are compelled to testify under oath in depositions ordered by the Federal District Court in Washington DC or New York City.

A brief review of how this point was reached is in order.

The enclosed 10/31/2016 letter to you (identical copies of which were addressed to each of your colleagues in The First Presidency of The Mormon Church and each of your colleagues in The Quorum of The Twelve Apostles of The Mormon Church) informed you that Gov. Herbert and the Utah Legislature had already enacted a law funding The Bear River Pipeline with \$2 billion funded through Utah State Sales Tax (vs. charging water users) even though 82% of all of Utah’s water usage is consumed by the agricultural industry (vs. only 6% for residential lawns and gardens) -- with 65% of all of Utah’s water usage dedicated to growing alfalfa hay which consumes relatively high amounts of water and much (if not most) of which is exported to China.

The letter explained that the 65% portion of all Utah’s water usage that is dedicated for growing hay for export to China is 1.5 million acre-feet/year, which is enough to cover all of Salt Lake County in 2.98 feet of water/year.

Meanwhile, our letter went on to report that Great Salt Lake was 7.8 feet below normal (or only 48% full) despite last season’s snowfall being 95% of the average of the previous 5 years. [This season’s snowfall is once more hovering just below 100%.]

Accordingly, our letter implored you and your colleagues to have The Church of Jesus Christ issue a press release saying that it would sponsor a “legislative initiative” pursuant to Utah Constitution Art. VI Sec. 1 and Utah Code Title 20A Chapter 7 to require: (1) immediate cessation of The Bear River Pipeline Project; and (2) dedication of all Utah State Sales Tax Funds that would have been allocated to the Bear River Pipeline Project to be spent, instead, on purchasing (or taking by eminent domain) farmland in the water districts to have been served by the Bear River Pipeline -- based on the value (if any) of the farmland if the full costs (including construction) of the Bear River Pipeline were reflected 100% in water prices.

After 3 months of silence greeted our letters to you and your colleagues, our 150-member public-policy-study group announced that its 2/8/2017 meeting would consider re-activating our Great Salt Lake Working Group for the express purpose of investigating the feasibility of (and, if possible, the institution of) a lawsuit against the U.S. Government for a Writ of Mandamus for its failure to do its duty in suing The State of Utah to halt The Bear River Pipeline Project.

A Writ of Mandamus is a plain-vanilla garden-variety court order to governmental officials to do their duty.

By way of background, The Bear River flows into Great Salt Lake through The Bear River Migratory Bird Refuge, a 74,000-acre (118 square-mile) home for millions of God's creatures and a host for millions of migratory birds each year including the Bald Eagle, symbol of the United States despite being nearly extinct.

The Bear River Migratory Bird Refuge was created in 1928 by Presidential Proclamation, its legal title according to the Box Elder County Recorder's Office is held by "The United States of America" and it is administered by the U.S. Fish & Wildlife Service.

Under the English-American common-law doctrine of "prior appropriation," The Bear River Migratory Bird Refuge currently has the Riparian Right to all of the water flowing into Great Salt Lake from The Bear River and the Bear River Pipeline Project is nothing more than an attempt by The State of Utah to steal the water belonging to the BRMBR.

[If the U.S. Fish & Wildlife Service has failed to file the paperwork with The State of Utah to register its Riparian Right, that is simply one more ground for a Federal Court to issue a Writ of Mandamus against the U.S. Government.]

Accordingly, a lawsuit for a Writ of Mandamus would be sought against not only the U.S. Environmental Protection Agency for its failure to do its duty in opposing The Bear River Pipeline Project, but also the U.S. Fish & Wildlife Service for its failure to do its duty in opposing the threatened theft of its Riparian Right to the water currently flowing through The Bear River into the Bear River Migratory Bird Refuge.

[Title 28 U.S. Code Sec. 1361 requires all lawsuits for a Writ of Mandamus against the U.S. Government to be brought in Federal Court, so we intended to file our lawsuit in the U.S. District Court in Washington DC.]

The 1/23/2017 Determination of the State of Utah Division of Water Resources That The Bear River Pipeline Is NOT Needed Until 2035 or 2040, IF EVER

Attached to the second enclosure which is our 3/16/2017 letter to Gov. Herbert, is the summary and transcript of a Fox News Channel 13 interview of Todd Adams, Deputy Director of the State of Utah Division of Water Resources.

The Deputy Director announced the Division of Water Resources' determination that The Bear River Pipeline is NOT needed until 2035 or 2040, IF EVER.

The reasoning behind their study is that growing alfalfa hay for export to China is so wasteful of water that as farmlands are converted to residential housing, the demand for water is REDUCED.

Gov. Herbert Signs Great Salt Lake Death Warrant Despite Knowing The Bear River Pipeline Is Not Needed

The second enclosure to this letter is our 3/16/2017 letter to Gov. Herbert imploring him to veto Senate Bill 113 with a respectful suggestion for "the governor's objection to the house in which it originated" as provided by Utah Constitution Art. VII, Sec. 8(1) --

“Sec. 3 of S.B. 113 amends Utah Statute Sec. 59-12-103(5)(d) to appropriate funds for “(ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act; and (iii).....” As you are probably aware, the State of Utah Division of Water Resources has determined that the Bear River Pipeline Project is not needed until 2035 or 2040, if ever (please see the attached transcript of the 1/23/2017 interview by Fox News Channel 13 of Todd Adams, Deputy Director of the Division of Water Resources). Accordingly, this appropriation is inappropriate.”

[Our letter also suggested a second grounds for the veto which is sloppy legal drafting -- S.B. 113 refers in amended Sec. 35A-8-309 to an “impact board” which is NOT a defined term in the Utah Code (Sec. 35A-8-304 creates a “Permanent Community Impact Fund Board” but EVERYWHERE ELSE in the Utah Code that there is a reference to merely an “impact board” there is also a reference back to Sec. 35A-8-304); accordingly, this technical defect was offered as a possible excuse, if the abomination of hiring of a Bear River Pipeline Civil Engineer did not suffice, for vetoing the bill.]

Attached to our 3/16/2017 letter to Gov. Herbert was the 1/23/2017 Fox News Channel 13 summary and transcript of the interview of the Deputy Director of the Utah Division of Water Resources announcing its determination that The Bear River Pipeline is NOT needed until 2035 or 2040, IF EVER.

NB: at the bottom of this one-page letter to Gov. Herbert is the hand-written acknowledgement of Gov. Herbert’s personal secretary that it was received on 3/16/2017.

On 3/25/2017, Gov. Herbert signed Senate Bill 113.

The Legislative-Reenactment Doctrine

It might be argued that although Senate Bill 113 purports only to amend Utah Statute Sec. 59-12, it does so by re-enacting the entire section and that the offending provision of Sec. 59-12-103(5)(d) for “employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act” was simply carried over from the previous version of Sec. 59-12.

This ignores the English-American common law’s Doctrine of Legislative-Reenactment.

Ordinarily it confers the “force of law” on administrative regulations (for example, in the case of the U.S. Government, IRS or EPA regulations) that were in existence when the legislative body reenacts the legal provision on which the regulations are based.

However, it also “sprinkles Holy Water” when a legislative body reenacts a legal provision, on all of the portions of that legal provision that were NOT modified in the reenactment.

Accordingly, Gov. Herbert’s signing Senate Bill 113 would be interpreted by a court as a re-affirmation that Gov. Herbert and the Utah Legislature still want a civil engineer to be hired to oversee The Bear River Pipeline Project.

The Reason Why Gov. Herbert’s Action Is A Death Warrant For Great Salt Lake

Under English-American common law, an injunction historically was only issued by English “Courts of Equity” rather than English “Law Courts.”

A Writ of Mandamus is an injunction against governmental officials or agencies to do their duty. Accordingly, whether a Federal Court would issue the Writ of Mandamus against the EPA and/or The U.S. Fish & Wildlife Service would come within the “equitable jurisdiction” (vs. the “legal jurisdiction”) of the U.S. Federal Court for Washington DC.

Unfortunately (from our perspective), “equitable jurisdiction” means “doing what is fair regardless of what the law says” as distinguished from “legal jurisdiction” which is “doing what the law says regardless of how horrendous the consequences.”

And if the forces behind The Bear River Pipeline succeed in having a civil engineer hired whose sole responsibility is overseeing Bear River Pipeline Projects, that civil engineer under existing law (including the funds for the BRPP that have been piling up from Utah State Sales Tax Revenues) could sign contracts that could expose the State of Utah to millions, if not billions, of dollars of legal liability.

This is called “shifting the equities” under English-American common law.

The Reason Why The LDS Church Is About To Be Sued For Fraud Re The Environment

After Gov. Herbert signed Senate Bill 113 on 3/25/2017, I met in the San Francisco Office of one of the world’s largest national/international law firms last Friday with friends who had agreed to sue the EPA and The U.S. Fish & Wildlife Service for a Writ of Mandamus on a pro bono basis.

Needless to say, I was shocked to learn that they had converted the whole undertaking into a lucrative project!!!

In addition to the lawsuit for the Writs of Mandamus, they had contacted many of the firm’s environmentally-oriented clients who, needless to say, were very interested in The Wanton Destruction of Great Salt Lake.

Shocked because the theory of the environmental-law experts was that the key to calling a halt to The Wanton Destruction of Great Salt Lake would be to pressure the LDS Church into calling a halt to The Wanton Destruction of Great Salt Lake.

Which they thought could be accomplished despite the reluctance of The LDS Church to make public pronouncements whether important public policies violate LDS Theology ever since The LDS Church opposed in 1981 the basing of MX Missiles in Utah and Nevada on theological grounds.

Because of the specter of a lawsuit in which maximum publicity is sought for the depositions of you, your colleagues in the First Presidency of The Mormon Church, your colleagues in the Quorum of the Twelve Apostles of The Mormon Church, Gov. Herbert, legislative leaders, etc.

Their legal theory is that The Mormon Church instigated the 1/23/2017 announcement of the Utah Division of Water Resources that the Bear River Pipeline is NOT needed until 2035 or 2040 IF EVER as a means of defrauding environmentalists around the world into believing that no further action would be taken on The Bear River Pipeline Project so that the environmentalists would not “stay on their toes” to see what Gov. Herbert and legislative leaders were doing before the “equities have been shifted” by the signing of contracts for Bear River Pipeline Projects.

As you probably know, the plaintiffs do NOT need proof before bringing suit that The Mormon Church engaged in such fraud. That is the purpose of every court’s “discovery rules” pursuant to which the plaintiffs are entitled to take depositions under oath of you, your colleagues, Gov. Herbert, legislative leaders, etc., to gather evidence of such fraud. And even if such fraud doesn’t exist, the damage from the adverse publicity will have been done.

They plan to sue in Federal Court in Washington DC or NYC.

The LDS Church, of course, has a Temple in Manhattan across Broadway from Lincoln Center and a Temple a mere 2 miles from the border of the District of Columbia which is well within the geographical jurisdiction of the Federal District Court for Washington DC.

You might be interested to know that the Federal Court subject-matter jurisdiction requiring complete “diversity of citizenship” between the plaintiffs and the Defendant LDS Church is easily achieved, the environmental-law litigators believe, by selecting only plaintiffs who are citizens of the 58 countries that are members of the United Nations and that do NOT even have LDS missionaries.

Indeed, as a special precaution, they intend to select only plaintiffs from those 58 countries who reside in their Washington DC embassies or in the NYC embassies of their U.N. missions since, as you may be aware, international law provides that embassies are the Sovereign Territory of the foreign country and not part of the United States.

Good-Samaritan Conclusion

We feel like Doctor Frankenstein who has created a monster!!!

Our 10/31/2017 letter to you and your colleagues was a respectful request to take action to halt The Bear River Pipeline Project.

And our attempt to file a lawsuit for a Writ of Mandamus against the U.S. Government to "do its duty" to oppose The Bear River Pipeline Project was not intended to expose The Church of Jesus Christ of Latter-Day Saints to any legal action.

Accordingly, we have severed our relationship with the law firm that is intending to sue The LDS Church.

And are trying, as Good Samaritans, to provide you with a Heads Up concerning what may soon transpire.

Respectfully submitted,

John S. Karls
JD, Harvard Law School, 1967
Who's Who in American Law, 1988-2003
Who's Who in America, 1988-2003
Who's Who in the World, 1994-2003

Identical letters sent to --

Each of Your Colleagues in The First Presidency of The Mormon Church - Certified Mail Return Receipt
Each of Your Colleagues in The Quorum of The Twelve Apostles of The Mormon Church - Certified Mail Return Receipt

Cc: Certified Mail Return Receipt copies sent to --

The Under-Secretary General of the United Nations for the Environment and Executive Director of UNEP
The American Bird Conservancy
The National Audubon Society
The National Geographic Society
The Nature Conservancy
The Sierra Club
The Student Conservation Association
The Union of Concerned Scientist
The Friends of Great Salt Lake

The New York Times
The Washington Post
The Wall Street Journal
The Chicago Tribune
The San Francisco Chronicle
The Los Angeles Times

NY Times Re Mormon Church and MX Missiles - 5-6-1981

by [johnkarls](#) » Mon Feb 13, 2017 4:01 am

NY Times – 5/6/1981

MORMON CHURCH OPPOSES PLACING MX MISSILE IN UTAH AND NEVADA

SALT LAKE CITY, May 5— The Mormon Church, saying church pioneers had chosen Utah as a "base from which to carry the gospel of peace to the peoples of the earth," today announced its opposition to deployment of the MX missile system here and in Nevada.

The message was wired to the Utah and Nevada Congressional delegations and to President Reagan, whose Administration is reviewing options on how to deploy the multibillion-dollar nuclear weapons system. The statement was issued by the church's president, Spencer W. Kimball, and his two counsellors, N. Eldon Tanner and Marion G. Romney, at the headquarters here of the Church of Jesus Christ of Latter-day Saints.

The decision is expected to have profound influence on public opinion in predominantly Mormon Utah as well as in Nevada and among the Mormon population at large. There are one million Mormons in Utah, which has a population of 1,460,000, and 56,000 Mormons in Nevada, which has a population of about 800,000.

'Denial of Essence of Gospel'

"Our fathers came to the Western area to establish a base from which to carry the gospel of peace to the peoples of the earth," the statement said in part. "It is ironic, and a denial of the very essence of that gospel, that in this same general area there should be constructed a mammoth weapons system potentially capable of destroying much of civilization."

The church did not oppose the missile itself. "With the most serious concern over the pressing moral question of possible nuclear conflict," the statement said, "we plead with our national leaders to marshal the genius of the nation to find viable alternatives which will secure at an earlier date and with fewer hazards the protection from possible enemy aggression which is our common concern."

In messages to church members last Christmas and at Easter, the church leadership foreshadowed the position it took today, saying that it deplored the building of vast arsenals of nuclear weaponry. However, the church would not then confirm that those were references to the MX system, which the Pentagon has proposed placing in a network of shelters in the Great Basin Desert of Utah and Nevada.

Today's announcement was not issued as "a revelation," the method through which church presidents announce policy changes, but as a 780-word statement of opposition to the basing plan.

The system would involve 210 missiles carrying nuclear warheads that would move among 4,600 shelters on public land roughly the size of Pennsylvania. The system, with a cost estimated at \$33 billion by the Air Force and at \$56 billion by the General Accounting Office, would be deployed by 1990.

Gov. Scott M. Matheson of Utah, who opposes the basing plan, said he was gratified that the church had interpreted the MX system as a moral issue. "I think it will sway public opinion more into the realm of opposition than was previously the case," said the Governor. According to polls, the state's population is about evenly divided between welcoming and opposing the system.

Statement Viewed as Influential

Governor Matheson predicted that the church's statement would have "a very strong influence" on Senator Jake Garn, Republican of Utah, and Senator Paul Laxalt, Republican of Nevada, "and tremendous impact on President Reagan because the President has a lot of respect for the Mormon church and its leadership."

The church, with more than 4 million members worldwide, has in the past interpreted public issues as moral questions, resulting in splits within the church. In 1976, the church leaders announced opposition to the proposed equal rights amendment to the United States Constitution, giving rise to "Mormons for ERA" and other dissident groups.

A former church president, Heber J. Grant, alienated some church members when he came out in favor of Prohibition and the League of Nations. In the 1936 Presidential campaign, he wrote a front-page editorial for the church-owned Deseret News here urging Mormons not to vote for Franklin D. Roosevelt. They did, by a large majority.

"Scholars see that at the point at which it became very clear that the church could not depend on being able to control the vote," said Dr. Jan Shipps of Bloomington, Ind., the non-Mormon president of the Mormon History Association.

"The statement is so direct that it will make people think very carefully to still support the MX system," said Dr. Shipps. "Just as it is very difficult for persons now to support the E.R.A., because the church has come out against it, and that's your parallel." Reaction of Delegation in Congress

"The public reaction will be, however, 'Here we go into politics again,' " she added. The members of the Utah Congressional delegation, all of whom are Republicans and active Mormons, reacted with caution to the statement. Senator Garn, Senator Orrin Hatch and Representatives James V. Hansen and Dan Marriott all support the MX system but have stopped short of endorsing the basing plan, which was approved by President Carter in 1979. The four said they would have to study the statement further.

The White House had no immediate comment. In Las Vegas, Dr. Samuel Davis, the regional representative of the Mormon church, said: "When you have a significant decision to make, first you turn to the Lord with prayer and second you turn to his prophet on earth for direction and guidance. I hope the statement of the prophet will have an effect on our thinking and our plan."

Air Force Responds to Statement

WASHINGTON, May 5 (UPI) - A top Air Force official, responding to the Mormon statement today, said the complex MX missile system should be the least attractive target for the Soviet Union in comparison with other American installations.

Lieut. Gen. Kelly Burke, who heads research and development for the Air Force, said at a news conference that no final decision had been made on where to place the missiles. A 15-member panel studying how and where to put the missiles is to report by July 1 to Defense Secretary Caspar W. Weinberger.

"Until that recommendation is made and until the concerns of all groups, including the Mormons, are taken into consideration, there will be no basing decision," General Burke said, adding that the Mormons were incorrect "to imply that the states of Utah and Nevada would be bearing a unique burden" if the missiles were based there.

Defense Secretary Weinberger, in Chicago to address a luncheon sponsored by United Press International, was given a copy of the Mormon statement. "This is very interesting," he said. "Of course, we will consider viable alternatives as well as the MX program."

Later, in replying to a question at a meeting of the American Newspapers Publishing Association, he said: "The missile is vital. I am convinced it has to be deployed someplace. I think we are all agreed that we do need the missile. The question is where do we put it?"

LDS Church issues statement on proposed Utah marijuana initiative

By [Ben Lockhart](#)

Published: April 10, 2018 4:07 pm Updated: April 10, 2018 8:59 p.m.

SALT LAKE CITY — The First Presidency of the LDS Church weighed in Tuesday on Utah's proposed marijuana ballot initiative.

A prepared statement from The Church of Jesus Christ of Latter-day Saints says: "We commend the Utah Medical Association for its statement of March 30, 2018, cautioning that the proposed Utah marijuana initiative would compromise the health and safety of Utah communities."

That statement the First Presidency is referring to is the recent lengthy release by the Utah Medical Association, in which the trade organization stated it "unequivocally" opposes the ballot initiative campaign seeking medical marijuana legalization in Utah, arguing that "the initiative is not medical."

"The initiative ... allows various non-physician practitioners to recommend marijuana for clients," the association said on March 30. "The clients with a recommendation would visit a dispensary, staffed by non-medically trained personnel who would be tasked with deciding what product would be best for the client's condition."

The Utah Medical Association has criticized the ballot initiative as a de facto recreational marijuana bill. Multiple Republican state legislators have said the same thing, contending that the measure would make it very difficult for police to enforce laws on recreational use.

The church's First Presidency said Tuesday: "We respect the wise counsel of the medical doctors of Utah. The public interest is best served when all new drugs designed to relieve suffering and illness and the procedures by which they are made available to the public undergo the scrutiny of medical scientists and official approval bodies."

Shortly after advocates first filed ballot initiative paperwork with the state last year, LDS Church spokesman Eric Hawkins said in a prepared statement, "We believe that society is best served by requiring marijuana to go through further research and the FDA approval process that all other drugs must go through before they are prescribed to patients."

Tuesday marks the first time since then that the church has weighed in on the issue, and the first time that it has expressed support for the arguments made by any of the parties that have debated over the merits of the initiative.

The ballot initiative campaign, called the Utah Patients Coalition, is pushing for Utah voters to adopt a law called the Utah Medical Cannabis Act at the ballot box in November. They are expected to gather enough petition signatures by the April 15 deadline to get it on the ballot.

The ballot initiative would allow people with one of several illnesses to apply for a medical cannabis card. Someone who suffers chronic pain could also get a card under certain conditions.

The Utah Patients Coalition has previously criticized calls for additional research and federal clearance for marijuana prior to legalization for medical use, saying robust studies into marijuana's health benefits are plentiful worldwide.

Reaction

The Utah Patients Coalition responded to the church's statement Tuesday with a statement from Dr. Dan Cottam, who is a medical adviser for the campaign.

"As a member of the Utah Medical Association and its legislative policy committee, I was never consulted about my position on the medical use of cannabis," Cottam said. "Like many of my physician colleagues, I look forward to having the option of getting my suffering patients legal access to this remedy. There is a vast body of scientific literature which supports its use."

Cottam added that the Utah Medical Association's position "reflects nothing more than the opinion of its board.

"Far from being based on research or science, let alone on the consensus of the doctors they purport to represent, it is a position that does not speak for many doctors like myself who are prepared to provide this medicine to our patients."

Together for Responsible Use and Cannabis Education, or TRUCE, said Tuesday that it is disappointed at how much weight is given to the Utah Medical Association's stance by the LDS Church.

"It is essential that both the church and the voters of Utah understand that the UMA does not represent all of the physicians in this state," said Dr. Andrew Talbott, the group's medical director.

"In fact, less than one-third of all licensed physicians and surgeons in the state of Utah are members of the UMA," he said. "As such, the UMA is not qualified to purport that they are the voice for Utah's medical providers and should not make decisions that have such a great impact on the patients of Utah."

DJ Schanz, director of the Utah Patients Coalition campaign, said in a statement Tuesday that the initiative being sought includes the medical oversight that the LDS Church is concerned about.

"The LDS Church should be commended for its concern with public health and safety — laudable goals we are pursuing with our proposal," Schanz said. "Too many patients face criminalization and unrelated, dangerous products as they pursue their own health. Oversight from regulators and doctors, as provided by the Utah Medical Cannabis Act, would increase public health and safety while providing safe access to patients who need this treatment option."

The Utah Medical Association's statement from March 30 says that, from the ballot initiative campaign's arguments, "people assume that physicians would have some idea of how to recommend it safely, for which diagnoses, and understand ... dosing guidelines for a plant that is wildly diverse and inconsistent in active ingredients."

"None of this is the case with what is being proposed in the (initiative). Physicians cannot prescribe it at all," the association said at the time.

The association's statement was issued in a series of reactions to Gov. Gary Herbert's announcement last month in which he promised to "actively oppose" the initiative, which he said "would potentially open the door to recreational use."

The Utah Patients Coalition responded at the time by saying Herbert's stance was an example of "politicians standing between patients and their physicians." The Utah Medical Association then published its March 30 statement, specifically rebutting the campaign's statement about patients and physicians, saying none of "backers of this initiative speak for the physicians of Utah, nor for the majority of their patients."

The group Together for Responsible Use and Cannabis Education then said last week that the Utah Patients Coalition's rebuttal statement represented "brazen attempts to muddle and deceive."

What initiative does

The initiative allows patients with several enumerated illnesses, including cancer, Alzheimer's disease, HIV, Crohn's disease, multiple sclerosis and post-traumatic stress disorder, to apply for a medical cannabis card "with the recommending physician while in the ... physician's office."

Additionally, a person with an exceptionally rare disease, as those are defined under the law, would be able to qualify. A person with chronic pain could also get a medical cannabis card if their doctor "determines (they are) at risk of becoming chemically dependent on, or overdosing, on opiate-based pain medication" or are medically unable to take opioids for another reason.

The initiative also sets up an appointed "Compassionate Use Board," made up of five physicians, who would have the authority to give approval for use of a medical cannabis board to "an individual who is not otherwise qualified ... if the individual offers ... satisfactory evidence that the individual suffers from a condition that substantially impairs the individual's quality of life and is intractable."

Doctors would not be allowed to recommend cannabis to more than 20 percent of their patients, though oncologists, anesthesiologists, neurologists, psychiatrists and gastroenterologists are among those exempted from that regulation.

Some state legislators have heavily criticized a provision in the initiative which states that, before July 1, 2020 — a few months after the state would be ready to issue medical cannabis cards — it is a valid defense against criminal charges for a person to demonstrate that they would have been eligible for such a card, but don't physically have one.

Initiative opponents said that portion of the measure makes enforcement of laws against recreational use of marijuana almost impossible. Legalization advocates have characterized it as a responsible way to safeguard legitimate patients before cards are available.

Marijuana polls

Multiple polls conducted on behalf of Utah Policy have shown a majority of LDS Church members who self-identify as "very active" have indicated support for the poll question: "Do you support or oppose legalizing doctor-prescribed use of non-smoking marijuana for certain diseases and pain relief?"

The most recent Utah Policy poll, conducted in February, found that 66 percent of such church members were in support, compared to 61 percent who were in favor in response to the same poll question in November.

Of all Utah registered voters who answered the survey in February, 77 percent said they strongly or somewhat support legalizing medical marijuana as posed in the question.

The polls did not ask about specific support of the ballot initiative.

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