

Honorable Judge Allyson S. Zipp

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

In the Matter of:

A CHALLENGE TO THE BALLOT TITLE OF INITIATIVE No. 1922, AN INITIATIVE TO THE PEOPLE

No. 22-2-00673-34

**PETITIONER OPENING BRIEF
IN SUPPORT OF
ALTERNATIVE BALLOT TITLE**

I. BACKGROUND

Pursuant to RCW 29A.72.080 petitioner Glen Morgan ("Petitioner"), hereby appealed the Ballot Title issued by the Attorney General of Washington for Initiative Measure No. 1922, An Initiative to the People in a Timely Manner on March 31, 2022 pursuant to RCW 29A.72.080 with proper notice and service to the Secretary of State of the State of Washington, Attorney General of the State of Washington, and the initiative sponsor Peter Danelo. All parties have agreed to electronic service in this matter.

Notice of Appearance was made by legal counsel on behalf of initiative sponsor on April 5, 2022.

VI. ARGUMENT

The voters have a right to know what they are voting on with an initiative of this significance and wideranging impact. The Attorney General's office has not done their job in this case and they have committed a significant injustice to the voters of Washington State by downplaying the radical impact on the average person's life and community, and lives of those who will soon be impacted by unleashing the consequences of this dangerous law on the people. Such a misleading and deceptive title and description must be challenged and corrected in order to properly reflect the true impact of these radical changes to longstanding laws on the people of Washington State.

Thousands of Washingtonians are killed by these drugs right now every year in Washington State, particularly in the City of Seattle which has already decided to lawlessly dysfunction as if this proposed initiative was currently the law of the land. The people have a right to know this proposed initiative will turn Washington State into a hard drug user paradise and create a perfect storm for foreign and domestic drug cartels to set up shop with impunity, profit, and legal protection – now protected by this initiative soft-pedaled by the Washington State Attorney General in this deceptive ballot title.

These dangerous drugs are illegal for a reason: they kill people. Every day. If all narcotics are legalized without constraint or restriction, then all of Washington will become just like downtown Seattle — open injection of heroin, human misery, violent crime, fencing operations, prostitution, tents, garbage, stench, and death. Washington will become a magnet for drug users and drug cartels from all over the country and the world, more than it already is today. The message will be clear — come to Washington

where you can kill yourself, victimize others with impunity, and make a tremendous profit from selling these highly addictive drugs to the most vulnerable in our society.

Law enforcement will have no leverage to get people help and provide them a path to detox because the threat of jail time is removed from the options. We already see this dystopian scheme festering in Seattle. If voters are told the truth about I-1922, and if this ballot title reflected this truth - that it will export Seattle's legalization of all crimes, human misery, overdose deaths, and drug cartel's final dream of a perfect sanctuary zone to all parts of Washington State, it seems unlikely to receive the support the sponsor of this initiative (and the supportive AG) desire.

The egregious proposed initiative title and the total unwillingness of AG Bob Ferguson to recognize the clear and present danger it represents to the people of Washington State invites further investigation into why such a deceptive title was approved in the first place. Something is dysfunctional in this process.

Attorney General's office has a history of deceptive Ballot Titles

This is not the first time the Attorney General's office has issued a deceptive ballot title. According to the Washington Supreme Court, for example, the Washington State Attorney General's office has done this recently when they issued the title for Initiative 976. (See *Garfield Transportation Authority, et al vs State of Washington*, 98320-8, October 15, 2020). Even after the voters approved this initiative, the Washington State Supreme Court concluded that the Washington State Attorney General's office produced a deceptive and misleading ballot title.

This is why we must correct the record in advance to ensure the people of Washington State have a proper ballot title reflecting the true impact of a proposed initiative to the people, which in the case of I-1922, the AG's proposed title does not, and we believe petitioner's suggested title is more accurate and reflective of the truth of the proposed initiative.

The Attorney General's office has a demonstrated pattern of manipulating ballot titles to create bias in favor of a Measure, if the Measure contains policies or is supported by political allies.

Attached you will find multiple emails exposed by earlier records requests (See Exhibit A) of AG's employees who admit they are manipulating the ballot title (in these examples referring to I-1234) to assist certain favored entities in a way to support passage of an initiative. As the email written by Attorney General employee and attorney Peter Gonick on September 3, 2020 at 4:23pm states, "...I'm not fond of revising ballot titles to mollify sponsors..." Yet, based on other emails (See Exhibit B) from Attorney General employee and attorney Alan Copsey dated September 3, 2020 earlier that same day, it was very apparent that this was exactly the policy of the Attorney General's office in the recent past, and clearly nothing has been done to prove otherwise. The court should remain skeptical of the AG's office or the sponsor of this initiative to claim otherwise, particularly in light of these recent emails and rulings by the Supreme Court in the recent past.

While I still haven't found the key evidence of correspondence by the AG employees in this case showing this same evidence of favoritism and the thumbs of the

AG and supporters who are pushing on the scales of justice to produce a ballot title in favor of the initiative sponsors, this is only because of the slow nature of records requests and the fact that the AG's office may be a bit more careful in their open correspondence with initiative sponsors in this matter. Similar discovery may be necessary in this matter which will document similar situations in producing this ballot title for I-1922.

The soft pedal, friendly, and sponsor supportive initiative ballot title issued by the AG in this case indicates that similar collusion and a desire to please the initiative sponsors may be in play in this manner, and therefore the suggested alternative title proposed by petitioner would be more neutral and accurate in this case.

I don't blame the supporters of this initiative to draft an initiative that would obfuscate the truth. Drug Cartels and Big Pharma have been pushing this agenda for a long time and I'm sure this represents a huge profit opportunity for them to extract endless cash from the human misery created by the entrapment of the drug addict. However, there must be someone in Bob Ferguson's office willing to draft an accurate ballot title that reflects the truth of this proposed initiative and to resist the political pressure of these outside special interests who support it. I thought we were better than this.

Petitioner's proposed alternative more correctly reflects the truth about this proposed initiative and is far more accurate and therefore superior to the AG Bob Ferguson's original draft. It also provides more information to the voters and is more in compliance with RCW 29A.72.050. It is important that this court order this initiative's ballot title to be described more in line with the petitioner's request.

The more accurate ballot title in this case should be as follows:

Statement of Subject: Initiative Measure 1922 concerns legalizing highly addictive narcotics, freeing convicted criminals, suffering the consequences

Concise Description:

This measure would legalize the use and possession of heroin, ecstasy, cocaine, methamphetamines, quaaludes, OxyContin, LSD, Fentanyl, and morphine, free convicted criminals imprisoned for drug crimes, and redirect certain taxes to address the consequences.

The people deserve to know the truth about this initiative, not a politically manipulated title that pretends to be something else.

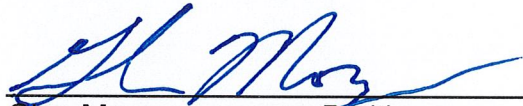
VII. RELIEF REQUESTED

Petitioner respectfully requests that this court grant the following relief:

(A) that the court, pursuant to RCW 29A.72.080, file with the Secretary of State a certified copy of the Ballot Title meeting the above objections, in the amended form recommended in this petition (and to modify the ballot measure summary to correspond with these changes if any);

(B) Such other legal and equitable relief as this court deems just.

Respectfully submitted this 5th day of April, 2022.



Glen Morgan, *pro se* Petitioner
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Exhibit A

Copsey, Alan D (ATG)

From: Gonick, Peter B. (ATG)
Sent: Thursday, September 3, 2020 4:23 PM
To: Young, Alicia O. (ATG); Copsey, Alan D (ATG)
Subject: RE: Last minute revision to I-1234 title

If it's not too late, I'd be against making the revisions. I think the new version is accurate, so if we've done it, I'm OK with it. But I think our version was better, and I'm not fond of revising ballot titles to mollify sponsors, unless of course we think it makes the ballot title better (or at least no worse). For the reasons we've previously discussed, I prefer mentioning the removal of preferential treatment.

Peter B. Gonick
Deputy Solicitor General
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Exhibit B

Copsey, Alan D (ATG)

From: Copsey, Alan D (ATG)
Sent: Thursday, September 3, 2020 3:43 PM
To: Gonick, Peter B. (ATG); Young, Alicia O. (ATG)
Subject: Last minute revision to I-1234 title

After a whole lot of back and forth with the sponsors, here is the title they would be comfortable with for I-1234. I'm willing to make these changes. Your reactions? We have until 4:15 to finalize.

Copsey, Alan D (ATG)

From: Copsey, Alan D (ATG)
Sent: Thursday, September 3, 2020 9:55 AM
To: McGahey, Stacey (ATG)
Cc: Gonick, Peter B. (ATG); Young, Alicia O. (ATG); Purcell, Noah Guzzo (ATG)
Subject: Emergent issue re draft titles for I-1200 and I-1234

Importance: High

Stacey -- can you hold off on filing the title for I-1234 until 4:30?

I just got off and extended phone call with Jessie Wineberry (former State Representative), who is working with the sponsors for I-1200 and I-1234. The sponsors saw our title for I-1200 yesterday and are somewhat horrified. They asked Mr. Wineberry to find out why the title reads as it does and whether I-1234 would read the same way. I told him the two measures are identical and we drafted identical titles. He says that with that title, the sponsors could not run the measure.