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2 IN THE IOWA DISTRICT COURT FOR POLK COUNTY

3 CARL OLSEN,)
4 Plaintiff,) Case No.:
5 vs.) CVCV068508
6 STATE OF IOWA,) TRANSCRIPT OF
7 Defendant.) PROCEEDINGS
8)
9) via Zoom
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1 The above-captioned matter came on before the
2 Honorable Celene Gogerty, Judge of the Fifth Judicial
3 District of Iowa, commencing on the 14th day of
4 November, 2025, at the Polk County Historic Courthouse,
5 Des Moines, Polk County, Iowa.

12 **APPEARANCES**

13 Plaintiff by: PRO SE

14 Defendant by: JEFFREY PETERZALEK
15 Assistant Attorney General
16 1305 East Walnut Street
17 Des Moines, Iowa 50309
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21 **TAMARA K. GEFTE, CSR, RPR, FCRR**
22 **Official Shorthand Reporter**
23 **Polk County Historic Courthouse**
24 **Des Moines, Iowa 50309**
25 **515.561.5933**

I N D E X**PLAINTIFF WITNESSES****PAGE**

No witnesses were called.

DEFENDANT WITNESSES**PAGE**

No witnesses were called.

EXHIBITS

PLAINTIFF'S EXHIBITS OFFERED/RECEIVED

No exhibits were offered/received.

DEFENDANT'S EXHIBITS OFFERED/RECEIVED

No exhibits were offered/received.

P-R-O-C-E-E-D-I-N-G-S

(Proceedings started at 9:00 a.m.,
on the 14th day of November, 2025.)

THE COURT: We are here in CVCV068508. This is the
case of Carl Olsen v. the State of Iowa. This is a hearing
by Zoom.

Mr. Olsen is present, and he is self-represented.

The State is represented by their attorney,
Jeff Peterzalek.

This is the date and time set for the plaintiff's
motion for summary judgment. That was filed September 25,
2025, in Docket Number D0022.

The State did file a resistance and a cross-motion
for summary judgment on October 30, 2025, in Docket
Number D0030.

Mr. Olsen, considering these are all basically the
same issues, you filed a reply. Do you have any objection
to the Court considering both motions in today's hearing?

MR. OLSEN: No objection, Your Honor.

THE COURT: Okay. That seems to make sense to me,
but I just wanted to make sure we were all on the same page.

MR. OLSEN: Yeah, I was expecting that.

THE COURT: Thank you, Mr. Olsen.

With that, feel free to make any argument or
highlight anything you want to.

1 MR. OLSEN: Yeah.

2 THE COURT: I would just tell you that we're set
3 for a half an hour, and I have to stay to it. I have
4 hearings every half-hour until about 2:00 this afternoon.

5 MR. OLSEN: Yeah. I have a statement I'm going to
6 read because -- anyway.

7 So the State has not met its burden of
8 demonstrating a compelling interest in prohibiting the
9 petitioner's possession of cannabis for religious use. The
10 State has the burden under the Iowa Religious Freedom
11 Restoration Act to show the petitioner's possession of
12 cannabis for religious use is a threat to public health and
13 safety sufficient to justify depriving the petitioner's
14 First Amendment religious freedom.

15 The State complains the petitioner has been
16 peacefully protesting for the past 40 years instead of being
17 arrested again, but that only proves the petitioner is not a
18 threat to public health and safety.

19 The State's resistance ignores a 15-year chunk of
20 time between 2009 and 2024, where the State enacted a
21 federal racketeering scheme to provide the petitioner's
22 sacrament to suffering Iowans without a prescription. The
23 State's program is contrary to Schedule I of the Iowa
24 Controlled Substances Act and federal Controlled Substances
25 Act.

1 There's no doubt the State has the authority to
2 enact such a program, but running it as a federal
3 racketeering scheme endangers both the participants, as well
4 as the general public, that has to tolerate this illegal
5 activity.

6 The federal CSA -- Controlled Substance Act --
7 provides authority for a waiver, like the one for the
8 religious use of peyote, but the State has not applied for a
9 waiver.

10 The compassionate use of cannabis without a
11 prescription should easily qualify for a federal waiver.
12 The federal Controlled Substances Act allows the attorney
13 general to waive registration requirements 21 U.S.C. 822(d),
14 consistent with the public health and safety.

15 The waiver for peyote is found in 21 CFR 1307.31.
16 The State has not applied for and does not have a federal
17 waiver for compassionate use of cannabis in Iowa.

18 Suffering Iowans are faced with the choice of
19 violating federal drug law to participate in this
20 racketeering scheme or go without treatment. The
21 petitioner's offered to help the State get a waiver that
22 more than regulates the program and has listened to the
23 petitioner, adopted the petitioner's suggestion, and fully
24 agrees the State needs to apply for a federal waiver.
25 That's in the Board's last five years' annual reports.

1 Nothing else has changed over the past 40 years, and the
2 State's resistance simply ignores this half-baked program
3 like it never existed.

4 The existence of the State's cannabis program is
5 the reason the petitioner filed this action. The State's
6 cannabis program is a dramatic reversal of the compelling
7 interest the State claimed to have had in all the
8 petitioner's previous cases.

9 And I reserve any time I might have remaining.
10 Thank you.

11 THE COURT: Thank you, sir.

12 MR. OLSEN: Uh-huh.

13 THE COURT: Any argument or response by the State?

14 MR. PETERZALEK: Yeah. Thank you, Your Honor.

15 I'm going to start by saying that Mr. Olsen, in
16 this process, has been a pleasure to work with and actually
17 presents his position well.

18 The overarching problem is that no court has ever
19 accepted the arguments made by Mr. Olsen or the arguments
20 made by others that are similar to the ones Mr. Olsen has
21 made. In fact, every court that has ruled on these types of
22 issues, including ones specifically involving Mr. Olsen,
23 have ruled that with respect to cannabis or marijuana, the
24 religious exemption that he proposes isn't necessary to make
25 the Controlled Substances Act constitutionally or

1 statutorily valid or compliant with those statutes or
2 Constitution.

3 The same three -- as the Court has already noted,
4 the same three arguments that the State makes in resistance
5 to Mr. Olsen's summary judgment are the same three arguments
6 that would warrant ruling for summary judgment in our favor.

7 I think if I had to do it all over again in my
8 brief, which I would refer the Court to, I would probably
9 structure the arguments in the opposite order I did. I'm
10 going to do that just briefly for you, Judge.

11 The overarching and the most significant issue is
12 actually on the merits. The State has a compelling
13 government interest in promoting and continuing with this
14 Controlled Substances Act. The compelling interests that
15 we've listed in our brief include preventing diversions to
16 others, minors included, and maintaining the integrity of
17 the drug control system.

18 Those things have been well-established by the
19 courts over the years, and the courts have also indicated
20 that there really isn't a less restrictive means of
21 accomplishing those compelling government issues, and we've
22 cited the cases that support that.

23 We've cited cases that directly involve the same
24 religious organization that Mr. Olsen's been involved in.
25 We've cited cases that Mr. Olsen himself has been involved

1 in, which leads to the next component.

2 Even if you -- we prevail on the merits, because
3 there's both a compelling state interest and there's no
4 less-restrictive means to accomplish that, but also
5 Mr. Olsen has litigated this issue a number of times, and
6 including under the federal Religious Freedom Restoration
7 Act. And the Eighth Circuit has said "Hey, at some point,
8 you can't keep raising these same arguments with the courts
9 over and over again for decades. You're precluded, under
10 the doctrine of res judicata, from continuing this." I
11 think that's equally applicable here, and we've raised that
12 argument and explained and cited all the different cases
13 Mr. Olsen has been involved in and the reason for
14 res judicata being applicable here.

15 And then the final argument we made was a standing
16 issue. And, frankly, Judge, I think standing is a much
17 closer call. Mr. Olsen makes some good arguments as far as
18 why he has standing; we've argued otherwise.

19 I think that -- I would encourage the Court to rule
20 on the -- certainly on the latter two issues, that there is
21 a compelling State interest in that the Controlled
22 Substances Act is the least restrictive means of
23 accomplishing that, and that Mr. Olsen's current argument
24 would be precluded under the -- under res judicata.

25 I think he could assume, for argument's sake, that

1 he has standing to get to those merits. We're not,
2 certainly, waiving our standing argument, but I think
3 Mr. Olsen raises some good points as far as why he might
4 have standing. And I certainly wouldn't want a decision
5 based entirely on standing; I guess I'll put it that way.

6 Unless the Court has any questions, I think both of
7 us have briefed the issue pretty thoroughly and presented
8 the issues to the Court. I'd be happy to answer any
9 questions you might have.

10 THE COURT: Thank you.

11 I think both sides have filed pretty well-reasoned
12 briefed, so I don't have questions at this time, but thank
13 you.

14 MR. OLSEN: Could I add one thing in rebuttal
15 there?

16 THE COURT: Yes, of course. Go ahead, sir.

17 MR. OLSEN: I'm not asking for an injunction to
18 distribute cannabis. Not even accommodation. It's personal
19 religious use, privacy of my own home, nobody else present.
20 You know, under the state code, there's the difference
21 between simple possession, accommodation, and distribution.
22 And I'm not even asking for accommodation because I don't
23 have standing to make an argument for somebody else.

24 So that's the one thing that -- the State argues
25 diversion. It would still be a felony if I did that. Even

1 if the injunction is granted in this case, it doesn't change
2 that in any way. I'm not going to admit the State has
3 compelling interest, but I don't have standing to challenge
4 that. I'm not going to distribute it.

5 So, you know, the fact that I haven't been arrested
6 for 40 years, like, for the State to hold that against me
7 is, like, ridiculous. That's proof that I'm not going to
8 divert this in any way. I'm just defending my rights, and
9 as much as I can, as much as I have, personally; nobody else
10 is -- nobody else's rights are interfered with.

11 That's it.

12 THE COURT: Thank you, Mr. Olsen.

13 You specifically said you wanted to reserve time.
14 Is there anything else you wanted to add, sir?

15 MR. OLSEN: No. I just wanted to reserve time for
16 that, for the rebuttal.

17 THE COURT: Okay. With that, it was a brief
18 argument, but I think the written arguments are well
19 drafted. I think we can call it good today, and we'll
20 consider the matter submitted. I'll get a ruling out as
21 soon as possible on both motions.

22 (Proceedings concluded at 9:16 a.m.,
23 on the 14th day of November, 2025.)
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CERTIFICATE OF REPORTER

I, TAMARA K. GEFKE, Certified Shorthand Reporter and Official Reporter for the Fifth Judicial District of Iowa, do hereby certify that I was present during the foregoing proceedings and took down in shorthand the testimony and other proceedings held; that said shorthand notes were transcribed by me by way of computer-aided transcription; and that the foregoing pages of transcript contain a true, complete, and correct transcript of said shorthand notes so taken.

DATED this 17th day of December, 2025.

/s/Tamara K. Geffe
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