

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>CARL OLSEN, Petitioner, v. STATE OF IOWA, Respondent.</p>	<p>Case No. CVCV068508</p> <p>RESPONDENT’S RESISTANCE TO PETITIONER’S SECOND MOTION FOR SUMMARY JUDGMENT</p>
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COMES NOW Respondent State of Iowa (“Respondent”), pursuant to Iowa Rule of Civil Procedure 1.981 and in support of its Resistance to Petitioner’s Motion for Summary Judgment, states the following:

INTRODUCTION

Petitioner Carl Olsen seeks a religious exemption under Iowa’s relatively newly enacted Religious Freedom Restoration Act (RFRA) to use marijuana as a sacrament in accordance with his beliefs as a member of the Ethiopian Zion Coptic Church (EZCC)¹. Although the Iowa RFRA protects sincerely held religious beliefs from substantial governmental burdens unless justified by a compelling interest pursued through the least restrictive means, Petitioner’s claim fails on both the compelling interest and least restrictive means prongs of the statute. Iowa Code § 675 (2025). While religious liberty is afforded substantial protection it cannot, as a matter of law, be at the expense of protecting Iowans from the dangers of unregulated controlled substances. The Iowa RFRA protects religious liberty, not drug legalization by another name. Granting an exemption to

¹ At paragraph 6 of his petition Mr. Olsen also mentions the Constitution of the United States and the Iowa Constitution as a basis for his claims. However federal precedent, as recognized by this court, precludes a claim under the U.S. Constitution. Similarly, the Iowa Supreme Court has long ago, and as acknowledged by Mr. Olsen, ruled against him on claims brought under the Iowa Constitution. See Olsen v. Holder, 610 F. Supp. 2d 985, 987-88 (S.D. Iowa 2009)(summarizing cases).

Iowa's controlled substances laws as requested by Petitioner poses grave public safety concerns. And, Petitioner's assertions have been consistently rejected in every jurisdiction taking up the issue, at both federal and state levels.

FACTUAL AND PROCEDURAL BACKGROUND

Petitioner has been challenging Iowa's Controlled Substance Act (CSA) as it relates to his claimed use of marijuana for religious purposes for over forty years. *See Olsen v. Holder*, 610 F. Supp 2d 985, 987-88 (S.D. Iowa 2009). The federal court in the afore-cited case succinctly summarizes the factual and legal history pertinent to this motion for summary judgment as follows:

Plaintiff is a member and priest in the Ethiopian Zion Coptic Church, a recognized religion that employs marijuana as "an essential portion of [its] religious practice." Compl. ¶¶ 23–27. Plaintiff has been party to numerous lawsuits seeking, in one form or another, recognition of what he contends is his religious right to use marijuana. *See State v. Olsen*, 315 N.W.2d 1, 8 (Iowa 1982) (concluding that the State of Iowa had a compelling interest sufficient to override Olsen's claim that possession of marijuana was permissible as a free exercise of his religion); *United States v. Rush*, 738 F.2d 497, 512–13 (1st Cir.1984) (finding that Olsen was not entitled to assert a defense based on free exercise of religion because "[n]o broad religious exemption from the marijuana laws is constitutionally required"); *Olsen v. Drug Enforcement Admin.*, 776 F.2d 267, 268 (11th Cir.1985) (finding that Olsen's request to obtain a religious exemption from the marijuana laws fell outside the scope of 21 U.S.C. § 811); *Olsen v. Drug Enforcement Admin.*, 878 F.2d 1458, 1463 (D.C.Cir.1989) (rejecting Olsen's claim that equal protection mandated an exemption for sacramental use of marijuana similar to the exception for peyote use by Native Americans and further finding that "the free exercise clause does not compel the DEA to grant Olsen an exemption immunizing his church from prosecution for illegal use of marijuana"); *Olsen v. Mukasey*, 541 F.3d 827, 832 (8th Cir.2008) (finding that Olsen's free exercise and equal protection claims were barred by collateral estoppel).

Id.

On July 19, 2025, Petitioner filed this latest attempt at nullifying Iowa law with a sprawling, difficult to follow, twenty-four-page Petition where, in the end, Petitioner sings a different verse of the same song, this time claiming Iowa's RFRA requires "enjoining the state from interfering with this constitutionally protected activity." Pet. ¶ 93.

On February 19, 2025, the State filed a motion to dismiss this lawsuit asserting Petitioner lacked standing, that Petitioner's prior litigation was preclusive on his current attempt to invalidate Iowa's CSA and, in any event Iowa's CSA met both prongs of the Iowa RFRA. *See* D0005. Petitioner filed multiple resistances to the motion to dismiss. *See* D0007, D0008, D0013, D0014, D0016. In the ruling on the motion to dismiss the Court first determined that, solely for purposes of the motion to dismiss, Petitioner had standing. *See* D0019. With respect to the issue of collateral estoppel the court found "the issue raised in this litigation is the same as the Petitioner's prior actions..." but, again for purposes solely related to motion to dismiss standards, denied the motion allowing Petitioner the opportunity to attempt to show that substantive facts or substantive law have changed since these prior rulings. *Id.*, at 4.

Subsequently, both parties file motions for summary judgment. This Court denied Petitioner's motion for summary judgment and granted the State's motion in part, dismissing any claims based on the United States or Iowa Constitutions. MSJ Ruling at p. 6. However, this Court also determined "that facts must be established prior to a decision on whether the State has a compelling governmental interest that would justify a substantial burden on a person's exercise of religion." MSJ Ruling at 8.

Petitioner's new Motion for Summary Judgment must be denied for the same reasons the court has previously determined as well as reasons this court has previously considered. Federal and State authorities considering claims the same as those made by Mr. Olsen uniformly warrant denial of Petitioner's Motion for Summary Judgment.

STATEMENT OF MATERIAL FACTS

The State has responded to Petitioner's Statement of Facts which, for the most part, contained facts, while admitted were not material to any legal issue in this matter. However, for

the sake of argument, the material facts of this case, as set out by Petitioner can be considered undisputed. The legal results flowing from undisputed facts allow the court to rule on a summary judgment motion. *See Huber v. Hovey*, 501 N.W. 2d 53, 55 (Iowa 1993). In doing so in this case the Court must conclude that Petitioner’s most recent Motion for Summary Judgment be denied.

SUMMARY JUDGMENT STANDARD

A court should grant summary judgment when there is an “absence of a genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” *Linn v. Montgomery*, 903 N.W.2d 337, 342 (Iowa 2017). “Summary judgment is proper if the only issue is the legal consequences flowing from undisputed facts.” *Huber*, 501 N.W.2d at 55. (internal citations omitted). Based on these standards Petitioner’s motion must be denied.

THE RELIGIOUS FREEDOM RESTORATION ACT

Iowa’s Religious Freedom Restoration Act (RFRA) set forth in Iowa Code Chapter 675 was signed into law on April 29, 2024, with an immediate effective date. As may be pertinent to this case, Iowa Code section 675.4 provides:

1. State action shall not substantially burden a person’s exercise of religion, even if the burden results from a rule of general applicability, unless the government demonstrates that applying the burden to that person’s exercise of religion is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.
2. A person whose exercise of religion has been substantially burdened in violation of this chapter may assert such violation as a claim or defense in a judicial or administrative proceeding and obtain appropriate relief, including damages, injunctive relief, or other appropriate redress. Standing to assert a claim or defense under this chapter shall be governed by the general rules of standing under state and federal law. The plaintiff, if the prevailing party, may also recover reasonable attorney fees and costs.

Because injunctive relief is expressly contemplated by the RFRA, an injunction may only be issued “upon proof of a violation of the statute”. *Worthington v. Kenkel*, 664 N.W. 2d 228, 232

(Iowa 2004). Petitioner's desired use of marijuana does not, under any circumstances, violate Chapter 675, thus negating any claim for injunctive relief.

ARGUMENT

I. THE STATE POSSESSES A COMPELLING INTEREST IN REGULATING MARIJUANA

This court has previously determined that a fact issue precluded a finding for or against a compelling interest in enforcing its narcotics laws. MSJ Ruling at 8. However, the State's interest in uniformly enforcing its controlled substances laws is compelling as a matter of law. The Iowa Controlled Substances Act classifies marijuana as a Schedule I substance, indicating a high potential for abuse and no accepted medical use. Iowa Code § 124.203 (2024). The government's interest in protecting public health and safety, preventing diversion, and maintaining the integrity of its drug control system is well established. Courts have generally accepted the congressional determination that marijuana poses a threat to individual health and welfare. *See State v. Olsen*, 315 N.W. 2d 1, 8 (Iowa 1982); *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 438 (2006). The state also has a compelling interest in preventing the diversion of cannabis to no-religious uses as well as diversion to minors which would be completely unprotected by the RFA. *United States v. Christi*, 825 F. 3d 1048, 1057 (9th Cir. 2016); *Multi-Denominational Ministry of Cannabis and Rastafari, Inc. v. Holder*, 365 Fed. Appx. 817, 820 (9th Cir. 2010).

By granting the exemption sought by Petitioner, the court would invite a flood of exemption claims creating a slippery slope where the State is trying to protect the welfare of all Iowans from the impact of unregulated controlled substance use. "If criminal statutes against marijuana were nullified as to those who claim the right to possess and traffic this drug for religious purposes...then the anti-marijuana laws would be meaningless and impossible to enforce." *State*

v. Balzer, 954 P.2d 931 (Wash. App. 1998). If this court were to allow this religious exemption, it would compromise these compelling interests of the State. *See Christie*, 825 F.3d at 1057.

In 1982, the Eleventh Circuit, facing a similar case involving a member of the EZCC, determined that the government’s compelling interest “would be substantially harmed by a decision allowing members of the Ethiopian Zion Coptic Church to possess marijuana freely.” *US v. Middleton*, 690 F.2d 820, 825 (11th Cir. 1982). By allowing exemptions for religious use, drug laws enacted for specific purposes, including public safety, would be completely undermined. The State has no practical way to distinguish sincere religious use from recreational or exploitative use and is using the least restrictive means available to further its compelling interests. The State has a readily identifiable compelling interest in enforcing its controlled substances laws sufficient to determine the issue as a matter of law.

II. DENYING THE EXEMPTION IS THE LEAST RESTRICTIVE MEANS TO ACHIEVE ITS COMPELLING INTERESTS

The State cannot achieve its compelling interest through less restrictive means. Iowa’s marijuana laws are neutral and generally applicable. Creating a religious exemption for Petitioner would necessitate a complex and unenforceable regulatory scheme to monitor sincerity, usage boundaries, age restrictions, and diversion risks, all of which are burdens courts repeatedly decline to impose. *See O Centro* 546 U.S. at 430–32. (explaining that the least restrictive means inquiry is context-specific and turns on regulatory feasibility).

Further, courts evaluating similar religious exemption claims by Petitioner have uniformly denied them, emphasizing the impracticality of carving out such a broad exemption. *See Olsen v. Mukasey*, 541 F.3d 827, 832 (8th Cir. 2008) (“Olsen has not shown that an exemption for marijuana would not undermine the purposes of drug laws.”); *United States v. Christie*, 825 F. 3d 1048 (9th Cir. 2016) (government had compelling interest in preventing marijuana for religious use from

being diverted to recreational users and Controlled Substances Act was least restrictive means to achieve that interest). Petitioner's repeated litigation of this issue, in both federal and state courts, further demonstrates the consistency with which courts have rejected attempts to exempt marijuana use under the guise of religious liberty. The fact that Petitioner now invokes a newly enacted state RFRA does not alter the fundamental constitutional and practical considerations that bar the relief he seeks.

III. PETITIONER'S RELIGIOUS USE IS NOT COMPARABLE TO OTHER EXEMPTIONS

Courts have consistently found that the EZCC's marijuana use is not analogous to the Native American Church's (NAC) limited peyote exemption. The peyote exemption arises from longstanding cultural traditions, applies narrowly, and involves tight internal controls. In contrast, the EZCC promotes near-constant cannabis consumption, lacks historical cultural grounding in the United States, and does not confine its use to ceremonial settings. See *Rush*, 738 F.2d at 514 ("The extensive and public nature of marijuana use in the Ethiopian Zion Coptic Church distinguishes it from the Native American Church's limited ceremonial use of peyote."); *Town v. State ex rel. Reno*, 377 So. 2d 648, 649 (Fla. 1979). This difference matters under RFRA's framework, which requires courts to consider whether the requested exemption can be granted without undermining a compelling governmental interest. No court has ever found that EZCC practices warrant the same level of protection as those of the Native American Church.

Another difference between peyote and cannabis that courts have repeatedly emphasized is that there is a substantial thriving market for diverted cannabis compared to the demand for recreational peyote. *United States v. Christie*, 825 F.3d 1048 (9th Cir. 2016). Petitioner's claim that his situation is the same as Native American's use of peyote in religious ceremonies is untenable factually and legally.

CONCLUSION

Petitioner's motion for summary judgment must be denied for any one or more of the independent reasons identified herein.

Respectfully submitted,

BRENNA BIRD
Attorney General of Iowa

/s/ Jeffrey Peterzalek
JEFFREY PETERZALEK
Deputy Attorney General
Department of Justice
Hoover State Office Building, 2nd Floor
Des Moines, IA 50319
Ph: (515) 281-4213
jeffrey.peterzalek@ag.iowa.gov
ATTORNEY FOR RESPONDENT

Filed & served via EDMS on:

Carl Olsen
130 NE Aurora Ave
Des Moines, IA 50313
Tel (515) 343-9933
carl@carl-olsen.com

PROOF OF SERVICE	
The undersigned certifies that the foregoing instrument was served upon each of the persons identified as receiving a copy by delivery in the following manner on March 19, 2026:	
<input type="checkbox"/> U.S. Mail	<input type="checkbox"/> FAX
<input type="checkbox"/> Hand Delivery	<input type="checkbox"/> Overnight Courier
<input type="checkbox"/> Federal Express	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> ECF System Participant (Electronic Service)	
Signature: <u>/s/ Megan Weber</u>	