

April 28, 2016

Hand Delivered

Daniel P. Lake, Stake President
Bountiful Utah Heights Stake

████████████████████
Bountiful, Utah 84010

Dear President Lake,

This letter will acknowledge receipt of your letter dated April 24, 2016 giving notice of a Stake Disciplinary Council to be held on May 12, 2016 to consider allegations of apostasy against me that would justify my disfellowshipment or excommunication from The Church of Jesus Christ of Latter-day Saints.

This letter is to request that you provide me, at your earliest convenience, certain information that will be necessary for me to be reasonably prepared to participate in the Council in a meaningful way.

1. Would you please provide me a preliminary statement of the facts that you intend to present at the Council that would support the allegations of apostasy against me? Having a meaningful preliminary statement of facts will assist me to narrow the scope of my preparation to matters of actual concern to the Council.
2. Would you provide me a list of the witnesses that you intend to present at the Council who will give the factual evidence upon which the Council might support a finding of apostasy against me? The list of witnesses is necessary to allow me to have a fair opportunity to determine my rebuttal witnesses (if any, given the chilling effect of your requirement to have the name of their bishop, ward and stake) and evidence needed to correct factual errors of your witnesses.

I understand that in the context of sins such as murder, theft or adultery, two or more witnesses are required to sustain the charge and imposition of disfellowshipment or excommunication. I don't know if apostasy, an offense that carries the same penalty as those other sins, is a witness-less offense. What is the burden of proof and who has it? Must you show intent? Does apostasy require a showing of harm to an actual person or is an imagined harm sufficient? Is merely being thought to be wrong or in disagreement with an authority figure's interpretation on some matter sufficient? Can one simply impute apostasy to someone? Is it determined by mere association with another person that some other authority labeled 'apostate'? Is it an offense discovered by intuitive feel? Can a higher church authority direct you to find apostasy, even though the

actual decision must be acknowledged as yours alone? In order not to waste the Council's time, I want to know how to focus my response to the accusation in a way that will be productive.

3. Would you provide me a definition of the term 'apostasy' as it will be used in the Council? Your definition of 'apostasy' will help me understand the nature and elements of the offense and the material and relevant evidence to the charge. 'Apostasy' seems to be an abstract, empty word, ugly for certain, but nevertheless empty of stable meaning. I believe history has shown that the word creates more mischief than it prevents. When dissociated from all moral transgressions, it is a mere power word; it protects institutional interests and imaginary persons, not real people. It can be applied to anyone for any reason at any time without good reason. Essentially, it is the utility word of choice to the powerful, used by those in authority against persons of lesser status and power. Imposition of the word brands and shames, and forces people to trade away their religious community to preserve their expression of agency. There is no complete antidote for the label's harm, nor is there release from it, except kneeling before authority in abject submission, but even then the scars remain public. It is, in almost every use, an ungodly word to me pushing both accuser and accused far beneath the dignity and caring God would have shared between his children as they work out their salvation with fear and trembling before him. So I ask your help to understand how you are using the word and how its use will be a blessing in the life of some real person.

Further, you have stated that my attendance at the Council against me will be conditioned on me signing a confidentiality acknowledgement and agreement. Although I am not an attorney, I understand that such documents create legal obligations that can be enforced and support equitable and monetary relief in court. Therefore, I would like you to provide me a copy of the confidentiality agreement as soon as possible in order that I may have my legal counsel review and advise me of the legal obligations created by it. Denying me the right to have the agreement reviewed by counsel and making it a condition of attending the Council would force me not to participate in the Council or to sign it under duress, thus affecting its enforceability.

I want to make one thing clear. I am not asking to mix ecclesiastical and civil law matters, although similar principles, such as fairness, are relevant in both contexts. I realize that in the context of sins of moral turpitude a member may desire such confidentiality from a council. Since I am neither guilty of nor accused of any act of moral turpitude, I do not care about confidentiality of the matter before the Council. In fact, I prefer to follow the scriptural counsel given by the Apostle Paul to Timothy and the ancient church: "Do not entertain an accusation against an elder unless it is brought by two or three witnesses. But those elders who are sinning you are to reprove before everyone, so that the others may take warning" (1 Timothy 5:20-21 NIV). Since I do not want the Council proceedings to be secret, I see no need for a confidentiality agreement, unless the agreement is for the benefit of those persons participating on the Council who desire to make certain that their doings are under the cover of secrecy.

Daniel P. Lake, Stake President

April 28, 2016

Page 3

I want you to know I feel the weight of this matter and that raises one final question in my mind. Since you are making the accusation against me, you set the Council date and you established the conditions under which I will be allowed to participate, you will preside at and conduct the Council, you will determine which of my witnesses will be allowed to testify, the matters upon which they may testify and the weight to be given their testimony, you will make the findings of fact and determine the meaning of 'apostasy' and determine the verdict of the Council and the penalty to be imposed, I am wondering, have you ever lost one of these cases?

I want to thank you for your expression of love for me and to reiterate my expression of love for you given in our last meeting. I know this task is not easy for you or me. I have spent many hours with Bishop George and have visited with you twice. As I have repeatedly stated, if I am wrong in my views, I want to be taught the truth. But simply telling me I am wrong or that you have not studied an issue or that you don't understand the meaning of a scripture, well, that simply lacks the earthly or divine power to help me dislodge error. I don't know why there must be so little room for divergent understanding within our Church; I cannot imagine it is pleasing to the Lord. I would feel great regret if our mutual inadequacy as student and teacher striving to understand and do the Lord's will resulted in any sadness to you or my family and me.

Your Brother in Christ,

Louis Naegle

