

No. S-097767

Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF:

THE CONSTITUTIONAL QUESTION ACT, R.S.B.C. 1986, c. 68

AND IN THE MATTER OF:

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

AND IN THE MATTER OF:

A REFERENCE BY THE LIEUTENANT GOVERNOR IN COUNCIL SET OUT IN ORDER IN COUNCIL NO. 533 DATED OCTOBER 22, 2009 CONCERNING THE CONSTITUTIONALITY OF S. 293 OF THE CRIMINAL CODE OF CANADA, R.S.C. 1985, c. C-46

OPENING STATEMENT OF BEYOND BORDERS

1. This is the statement of Beyond Borders summarizing its submissions that section 293 of the Criminal Code of Canada complies with the Charter of Rights and Freedoms.

2. The reference questions are:

"a. Is section 293 of the Criminal Code of Canada consistent with the Canadian Charter of Rights and Freedoms? If not, in what particular or particulars and to what extent?

b. What are the necessary elements of the offence in section 293 of the Criminal Code of Canada? Without limiting this question, does section 293 require that the polygamy or conjugal union in question involved a minor, or occurred in a context of dependence, exploitation, abuse of authority, a gross imbalance of power, or undue influence?"

3. The answer of Beyond Borders to the reference questions are these:
 - a. Section 293 of the Criminal Code of Canada is consistent with the Canadian Charter of Rights and Freedoms. If not in general, it is at least consistent with the Charter where the polygamy or conjugal union in question involves a minor.
 - b. Section 293 does not require that the polygamy or conjugal union in question involve a minor, or occur in a context of dependence, exploitation, abuse of authority, a gross imbalance of power, or undue influence. Nonetheless, where the polygamy or conjugal union in question involves a minor, the offence set out in section 293 is committed.

4. Polygamous community presents a number of older men in positions of authority married, polygamously, to girls, and not the reverse. These communities do not present the phenomenon of older women each married to a number of boys.

5. Powerful older men are having multiple girl sex partners through "celestial" unions. Polygamous communities create a gender and age power imbalance, in favour of older men and against girls. Polygamous communities disadvantage girls in relation to older men.

6. The typical sexual abuser works through grooming, complicity, shaming. The victim child is often reluctant to come forward, feeling herself partially responsible for what happened.

7. Polygamous communities, in this context, present a particular problem. Once child sexual abuse occurs, the closed nature of the communities, the fact that there are few, if any outsiders operating within the community who have access to the children and can deal with problems of sexual abuse, the solidarity amongst the adults one finds in polygamous communities makes preventing and dealing with child sexual abuse particularly difficult.

8. Marriage of children, which happens regularly in polygamous communities, presents a particular problem. Marriage is a lifetime decision. Children are too young to make life time decisions. They are ill placed to assess what those decisions would mean for their whole life span. Children do not perceive the lifetime consequences of their decisions.

9. Polygamous communities present two related problems because of their closed nature. One is that it is difficult to get information in about preventing child sexual abuse and out about child sexual abuse that occurs. When a child informs against an adult in the community there is a tendency not to want to deal with the information.

10. The other is that expulsion from the community or shunning by the community presents a threat to those who would combat or confront child sexual abuse against the wishes of leaders of the community. Those who inform on child sexual abuse or act on information may weaken their welcome in the community. This threat is an inhibition to combating child sexual abuse which does not normally exist outside the confines of polygamous communities.

11. In a polygamous community, the leadership typically consists of elder males. The problem a polygamous community presents for girl children is not just predatory elder males. It is also the manner in which the community influences the desires of girl children. A child's need for belonging, the confusion in perception between the expression of love and the expression of power, attracts girl children to elder male leaders.

12. The Brandeis Brief "Polygamy in Canada: Legal and Social Implications for Women and Children A Collection of Policy Research Reports" - Angela Campbell (beginning at 21) concludes "that even if s. 293 impinges on religious freedom, such a limit is justified, because of the inherent harms polygamy engenders for the women and

children of polygamous families" (at page 28). In articulating the "reasons for prosecuting polygamy", she includes heightened potential for sexual abuse of children in polygamous communities.

13. She adds that effective prosecution of sexual abuse of children offences is complicated by the veil of silence imposed by polygamous communities, in addition to their isolation. Criminalizing polygamy may serve to break down the wall that allows these crimes to thrive. (at page 53)

14. She quotes a Professor Kent, saying that: [Polygamous] Arranged marriages deprive young women of the right to make marital choices. The marriages also control the young women's sexuality, as they become "baby-producers in order to fulfil the religious aspirations of the men who control them." Professor Kent mentioned that early pregnancies put the young women and babies at additional medical risk, with potentially "deadly consequences from their pregnancies and deliveries." (at 53)

15. "The 'lost boys' of polygamy: is emancipation the answer?" - Brieanne M. Billie (beginning at 446) recounts: One lost boy, Brent Jeffs, brought a molestation suit 'against his uncles, Warren, Leslie, and Blaine Jeffs, claiming that they had sodomized him as a boy during Sunday school classes' (at 449). A short time later, two of his brothers revealed similar incidents of sexual abuse. His brother, Clayne Jeffs, committed suicide by shooting himself in the head after he disclosed his own abuse (at 449). His claim, along with the claims of a few other boys who joined suit, was settled in their favour in 2007 (at 449).

16. Also, these boys talk about 'psychological problems' (at 452) common amongst them, which are of a sexual nature. Billie writes that "one lost boy states, 'The one thing is, I don't know how to date ... [Jeffs] told us it was sinful to look at girls'" (at 452). Billie continues, stating that "the FLDS prohibition on male-female socialization and interaction prevents the lost boys from developing normal dating relationships after

their exile" (at 452). She gives the example of a tragic instance illustrating how the "lost boys appear to have accepted the male dominance and female submission dichotomy". Eighteen-year-old lost boy Parley Jeffs Dutson was found guilty of shooting his fifteen-year-old girlfriend while he was under the influence of psychedelic mushrooms and marijuana because she repeatedly refused to have sex with him at a party in front of others. Not only is such an occurrence tragic, but this crime could reveal the trauma of an upbringing in which men control the sexual and social behaviour [sic] of women. (p. 452)

17. "Child Brides, Inegalitarianism, and the Fundamentalist Polygamist Family in the United States" - Eve D'Onofrio (beginning at page 754) states: Fundamentalist polygamy violates mainstream liberal notions of self-chosen romantic love, equal partnership between husbands and wives, and the sexual integrity and vulnerability of children. (at 755) The marriage of at least some portion of female minors to adult men in the Fundamentalist community violates both their sexual autonomy and the principle of informed consent. Developing children are physically vulnerable, emotionally and psychologically immature, and intellectually and morally incompetent to varying degrees. (at 759) Many of these girls themselves, as teenagers and later as adults, remain silent about the nature of their treatment. This is to be expected given that "fundamentalist communities often demand loyalty, strict adherence to norms and values, and allegiance to their leaders." (at 760)

18. Beyond Borders contributed two articles to the Brandeis Brief beginning at page 2031 and 3203. We encourage their reading in full.

19. The affidavit of Susie Barlow affidavit comes from a young woman, 24 at the time of writing, who grew up within the FLDS in Colorado City. She speaks of her arranged marriage at the age of 16 to a man of 51. As a consequence of her revulsion, she refused to have sex with her husband and eventually was forced to "meet regularly with Warren Jeffs who commanded [her] to submit sexually to [her] spiritual husband,"

eventually relenting after "intense" pressure, a month before her 18th birthday (all at 15).

20. Later on she was asked on a camping trip and raped four times by her stepson (from her sister-wife, a man 6 months older than her), "I was raped four times. I didn't know who to call, so I did what I thought was the right thing. I called Leonard. He came and picked me up. I was told by my brothers that I don't deserve to see the doctor." (at 16)

21. Lastly, she makes it abundantly clear that the potential for rape and sexual abuse was a part of the structure she was born into. She states, "I do not remember a time in my life when I was not told that my role in life as a good priesthood child was to grow up and enter plural marriage. I was taught by my parents, Father, my school, and my church that as a girl I was to be completely obedient to Father, the male Priesthood leaders above him, and, when married, my husband." (at 19)

22. When there is this top-down patriarchal religious structure, when one man holds all power over decision making and even theology, even if once in a while there is the odd decent man in power, there is the constant, reiterated potential for abuse of power leading to child sexual abuse.

23. The affidavit of Benjamin Bistline, an elderly man who lived amongst the polygamists in his younger years, and who wrote a book called "The Polygamists: A History Of Colorado City, Arizona" states that "at the time [he] married, men were permitted to court their future wives, however they had to go to someone on the Priesthood Council to ask permission to court and marry" (at 19). According to him what eventually happened was that any girl reaching about 13 years-old would have a great number of suitors coming to her, all having claimed to have a revelation that she was to marry him, greatly confusing her young and tender mind ... [and soon] the people were taught that only a member of the Priesthood Council could get a revelation

of who a girl 'belonged to.' (at 19)

24. "The doctrine of placement" then arose, which stated that only the leadership could "have a revelation about who should marry who. Neither the girls nor the men had a choice in the matter, although the men in particular might be able to influence the choice depending on their status" (at 20). "Cliques" would form, "with each Council member placing the girls within his clique when they became of marriageable age" (at 21).

25. He continues, stating that polygamists are taught that "women are inferior to men and must learn to school their feelings, yielding to the desires of their husbands. The girls of Colorado City Polygamists are considered as chattel" (at 22). The only way, he states, that the girls who wanted to marry boys of their own age would be able to was for the boy and girl to "simply have sex with each other, then go to the Prophet and confess their sin," whereupon the Prophet would tell them to get a civil marriage and then impose upon them a waiting year of penitence before he might allow them back (at 27). Eventually "it became necessary to establish a 'Teenage Chastity Patrol,' ... [whose] primary duties ... evolved to that of running the surplus boys out of town" (at 27).

25a. Affidavit of Eric Nichols: Nichols is the lead prosecutor in Texas for cases arising from the prosecutions going on with members of the Yearning for Zion Ranch. The affidavit lists the criminal activity of these men:

- At 6, is Michael Emack who was found guilty of sexual assault of a child, marrying his wife of 16 when he was 45 (with the age of consent being 17 in Texas). He was also convicted of being a bigamist.
- At 10, Lehi Jeffs was found guilty of Sexual Assault of a Child. Their respective ages upon marriage were 26 and 15. He was also convicted of being a bigamist.
- At 17, the affidavit states that Raymond Jessop at age 33 married a girl of 15, who had a child by him within a year. A jury found him guilty of Sexual Assault of a Child.

- At 20, Allan Keate, a 53-year-old at the time, married a girl of 15 who had a child by him within a year. A jury found him guilty of Sexual Assault of a Child.
- At 24, Leroy Jessop was married at age 31 to a girl of 15, who later had a child by him. A jury found him guilty of Sexual Assault of a Child.
- At 27, Abram Jeffs was married at age 34 to a girl of 14, who later had a child by him. A jury found him guilty of Sexual Assault of a Child.
- At 29, Wendell Neilson, Merrill Jessop and Leroy Steed have charges pending trial.
- At 30, Warren Jeffs is serving time in Utah and is charged in Texas (charges pending trial) with Aggravated and non-Aggravated Sexual Assault of a Child.

Page 104 of the affidavit has a family tree of Michael Emack, which shows, among other things, his youngest wife being 14 years younger than his eldest child. Page 143 is a family tree for Lehi Jeffs.

26. Affidavit of Rowenna Erickson: Rowenna was born in 1939 amongst the Kingston clan in the USA and was the co-founder of "Tapestry Against Polygamy," which has now disbanded. She left the polygamous community at the age of fifty. She writes in the affidavit about the control of the leaders of the group, being "taught that women were to give complete obedience to their priesthood leader (father or husband) and ultimately to the group's male leader"(at 15) including sexual questions and marriage at whatever age.

27. Affidavit of Dena Hassouneh: Dena has a Ph.D. in Nursing and has researched and worked mainly in the area of 'mental health impacts of trauma on women from marginalized populations' (at 1). She was commissioned by the AG BC on the emotional and psychological impact on women within Islamic polygamous relationships. Exhibit B, Participant: "I actually divorced him when he tried to marry my sister who was my ward. And she was thirteen. And he told me that... this would be really good because my sister really liked him. But she liked him because, you know, it was not a sexual or romantic thing "(at page 30 of the affidavit).

28. Affidavit of Joseph Heinrich: Heinrich holds "a Tier 1 Canada Research Chair in Culture, Cognition and Evolution at the University of British Columbia, where [he is] co-director of the Centre for Human Evolution, Culture, and Cognition" (at para 1). He was commissioned by counsel for the Attorney General to write a report - attached as exhibit B to the affidavit - which speaks to the potential societal consequences of legalizing polygamy, as well as the evolutionary sexual and marital history of the human species. (All other references from here will be to page number, not paragraph).

29. He writes: "greater degrees of polygyny drives down the age of first marriage for (all) females on average, and increase the age gap between husbands and wives. This generally leads to females marrying before age 18, or being 'promised' in marriage prior to age 18" (at page 25). The next is that "greater degrees of polygyny are associated with increased inequality between the sexes, and the relationship may be causal as men seek more control over women when women become scarce" (at 25).

30. The idea here is that as available women become more rare, with wealthier men of a higher status taking on more wives, women simply have to be 'acquired' younger and younger if a man wants a woman at all. Furthermore, as competition increases, so too does male control of these scarce resources. If polygamy is made legal, eventually attention will wane and the community may feel free to revert to following evolutionary and social pressures, with girls being married younger and younger, which means having sex younger and younger. Heinrich states that the ages of these women decrease into adolescence (at 53), as men 'might prefer young wives, perhaps because they are easier to control' (at 56), and that 'the higher status of polygynous men should permit them to more effectively get what they want' (at 56).

31. Page 54 has a table outlining data on average ages for females at first marriage, plus age gaps, from highly polygynous societies to North America and Europe, controlling for questions such as GDP which might otherwise influence the outcome of these questions. There is a much higher instantiation of rape within polygamous

societies, as evidence 'suggests that males may use a rape strategy for reproduction when the chance of reproducing using other mating strategies is extremely low' (at 61) as it is for those at the bottom of the social hierarchy.

32. Affidavit of Dr. Lawrence Beall: Dr. Beall is an American clinical psychologist who has treated thirty survivors of FLDS communities in the United States, including old and young people, as well as both male and female. He was retained by the AG of BC. This affidavit directly chronicles the link between polygamy and child sex abuse in the FLDS and says how they manage to sustain it, creating the illusion of consent by stultifying mental and psychological development and grooming individuals toward one's desired sexual outcome.

33. The first problem, as he states, is one of instinct instilled in young individuals of the FLDS: In the absence of adequate cognitive development, young teens often rely on instinct rather than good judgment when contemplating risk-taking behaviour. For adolescents growing up in the FLDS community, their 'instincts' are largely the byproduct of the indoctrination and conditioning that constitutes a significant portion of their childhood and adolescence. (at para 23)

34. As a fundamentally held belief among the FLDS is one of 'male domination' (at 24), instinct then can be toward very undesirable consequences such as physical, emotional and sexual abuse. Beall lists the factors which help create a culture for this sort of abuse:

1. all control belongs to a central figure;
2. revelation from God dictates the words and acts of the central figure;
3. independent thinking and outside information are shunned;
-
9. emotional expressions are undesirable;
10. personal desires are unwanted; and
11. by submitting to her older priesthood holding husband the adolescent girl will be

exalted with God. (at 24)

35. So far as consent goes, Beall states that not only young FLDS women are incapable of proper consent, but some even older than eighteen have this same issue (at 45). But more specifically for younger girls who have to make marital decisions, 'the considerations and thought processes entailed in such decisions surpass the cognitive capacity of these adolescent girls' (at 28).

36. Furthermore, there is a certain level of manufacturing of consent that goes on within FLDS communities. Beall states that "in polygamous communities, indoctrination and conditioning creates a program that makes the adolescent girl and boy submitting themselves to the priesthood leader a predictable response. If something promotes their submission, it is right; if not, it is wrong. This program has certain 'buttons that make it work. One of the buttons is the teaching, 'Keep Sweet.' This is an important concept that helps run the programmed thinking, and means, 'no matter what happens, submit and smile.' Another button is 'don't feel, just follow.' Thus, thinking is programmed by the doctrine of being exalted by God for submitting to the priesthood leader. The adolescent girl and boy is therefore not prepared for any reality other than that of the polygamous community.

37. Regarding sexual grooming, Beall states, 'an authority figure can employ sexual behaviour targeting the victim that develops along a continuum' from non-sexual withholding X or offering Y, and continuing to true sexual harassment (at 37). The process is as follows, with 'three fundamental stages of sexual grooming,

(a) increasing trust, affection and dependence in a relationship that is perceived as unique and special;

(b) secrecy and isolation that separates the victim from her support system and attaches her to the abuser; and

(c) breaking down the victim's defences and manipulation of her feelings, particularly her fears. (at 37)

38. Beall continues, "Because of this process, the emotional closeness and affection desired by the victim makes it difficult for her to say 'no' when the behaviour and relationship becomes sexualized. The sexual grooming process creates the illusion that the victim has consented. ... Experts agree that there is a power imbalance when an older man is grooming a younger girl ... but this becomes more complex and more of a problem for the adolescent girl when the older man is a trusted church leader. Because she believes this man is close to God, the following beliefs ensue:

- (a) her husband would not ask her to do anything that would harm her because he is inspired of God;
- (b) those holding priesthood authority represent her connection to God, and deserve obedience;
- (c) by denying her husband his desires, she would be defying God;
- (d) if there is anything that she is uncomfortable with, she is the one who has the impurity and the problem, and she needs to pray for the ability to submit to her priesthood head; and
- (e) her obedience and submission is a sign of faith and is pleasing to God." (at 39)

39. Consent, in Beall's understanding, "requires weighing alternative options" (at 44). He states, "For an adolescent girl this means choosing who she marries; when, where, and how she marries; the conditions under which she will maintain and remain in the marriage; when and if to have children, and how many; and whether and when to pursue education. The FLDS adolescent girl is not raised to believe that any of these are options. - Under the conditions of the FLDS community, the adolescent girl or boy cannot give voluntary consent." (at 44, 45)

40. In sum, what Beall is saying is that within the FLDS communities we have a situation which is, de facto, one which has no room for true individual consent. The polygamous structure is a system based on acquisition: of power and of women. As there are not enough women to go around (because of polygamy) the power-holding

culture becomes more and more solidified so that those who have may keep what they possess. Individual choice (that is, true consent) is a real threat to this power structure. Therefore, a culture of abuse is created from the very beginning, childhood, to make sure that no capacity for individual choice is created. Stealing the capacity for consent from a child is a form of child sexual abuse and repression.

41. Affidavit of Lorna Blackmore: Lorna is a 67-year-old woman still living relatively near Bountiful. She left the community in the late '80s and sometimes houses people leaving the community as a temporary, transitional measure. This affidavit is about her experience as an individual living within the Bountiful community.

42. Near the middle of the affidavit, she states, "I believe that plural marriage was used as a mechanism of control in the FLDS communities' (at 7). This statement speaks about polygamy as a structure created for the purpose of denying the ability to properly consent. She continues, stating that 'the prophet advised who would be married based on the revelation he received from god. Neither the women nor men had a choice' (at 8).

43. She states: "I was not happy about marrying Charles" (her husband), she states (at 12). Still, the structure placed around her initially worked in her situation: "Uncle Roy told me it was the Lord's will that I would marry Charles. I did not consider I had a choice if this is what the prophet was telling me to do. I married Charles right after the meeting with Uncle Roy" (at 12).

44. Speaking generally, she states that in her experience, 'it has been common for girls as young as 15 and 16 years old to be married in the FLDS' (at 19). Next, she says that 'the ages seem to go up during periods when there is media or law enforcement attention on the communities' (at 19). Certainly there is an evolutionary downward pressure placed upon these men. The only way to have enough is to marry them off younger and younger, and without media attention, they are free to do so.

45. Affidavit of Andrea Moore-Emmett: Andrea is a writer and a filmmaker who has 'interviewed hundreds of people, males and females, adults and children, those who have left the fundamentalist polygamist religions to those still fully a part of the religion' (at 5). Andrea states that polygamous groups have a number of 'common traits' (at 11). These are

- Systems of indoctrination, formal and informal, are used to prepare young girls and women for polygamous marriage, including marriage to much older men.
- The family structures are intensely patriarchal and inherently unequal between the men and women...
- Polygamous wives find it very difficult to leave their marriages...
- Girls are 'married' at unusually young ages, sometimes between 14 and 16 years old and usually become pregnant shortly after marriage...
- There is often a significant age gap of many years, even decades between the men and women in polygamous marriages...
- In some polygamist groups girls are forced to marry a close relative. (all at 11)

46. She concludes by stating that her research on polygamy has led [her] to conclude that polygamy should not be regarded as simply a private act, or matter of religious choice, but rather something that takes a real toll on society. It has inherent harms... Men who believe they are God of the home and who already live outside of societal norms, often make their children victims of ever more deviant and unimaginable abuses. Polygamy is patriarchy spun off into its furthest possible extreme. (at 12)

47. Affidavit of Perry Kendall: Perry is a senior medical health officer for B.C. This affidavit focuses on a statistical anomaly occurring in Creston 'that indicated higher-than-expected numbers of births to mothers aged 14-18' (at 6). They then tried to isolate pregnancies from Creston town against pregnancies in Bountiful and discovered that 'although Bountiful likely accounted for between 8 and 24% of the Creston LHA population (population figures for Bountiful were not known, but estimated

at between 1000 and 3000 persons), the five identified Bountiful families alone accounted for 38% of the area's teen pregnancies' (at 7). Furthermore, it was identified 'that there was a significant age gap between the mother and father in these pregnancies, with 28% of the declared fathers being more than 10 years senior to the teenage mothers in question, and roughly half being over five years older' (at 8).

48. Affidavit of Roger Hoole: Hoole is attorney for a few of the 'Lost Boys' of the FLDS in a civil action suit against the FLDS (at 2). The FLDS did not show up at the litigation, resulting in a default judgment (at 3). The following is a telling quote reproduced later in the affidavit from Jeffs' memoirs, "The Lord is showing me the young girls of this community, those who are pure and righteous will be taken care of at a younger age. As the government finds out about this, it will bring such a great pressure upon us, upon the families of these girls, upon me, and also upon the girls who are placed in marriage. ... The Lord will take care of them as they seek unto Him and yearn to stay clean and pure. And I will teach the young people that there is no such thing as an underage Priesthood marriage but that it is a protection for them if they will look at it right and seek unto the Lord for a testimony. The Lord will have me do this, get more young girls married, not only as a test to the parents, but also to test this people to see if they will give the Prophet up. (at page 26)

49. The following is a quote outlining a case of child abuse at the Yearning For Zion FLDS ranch, taken from an 'affidavit in support of petition in aid of investigation' (at 44). "On March 29, 2008, the Department received an intake report at 11:32 p.m. According to the intake, S- J-. a/k/a S- J- B- ('S- J-'), a 16 year female, and her 8 month old infant (name unknown) were living with a 49 year old male, Dale Evans Barlow ('Dale Barlow'), and 12 other adult females at a housing facility located on the [Yearning For Zion] Ranch located near Eldorado, Schleicher County, Texas, which ranch is owned by the Fundamentalist Church of Jesus Christ of Latter Day Saints: "S- J- had called a local family violence shelter several times that day expressing the need to leave her current living situation. S- J- reported that she was brought to the

YFZ Ranch by her parents from Colorado City, Arizona about three years ago, when she would have been 13 years old. She stated that about two years after her arrival on the YFZ Ranch (or about one year prior to the date of this report), which would have been when she was 15 years old, she was spiritually married to Dale Barlow according to the tenets of the church. S- J- indicated that Dale Barlow was also married to several other women and that she was wife number seven.

50. S- J- stated that she began to be abused shortly after she started living at the YFZ Ranch. She advised that Dale Barlow would 'beat and hurt' her whenever he got angry, According to S- J-, this would include Dale Barlow hitting her in the chest and choking her and that while such abuse was occurring one of the other women in the home would hold her eight month old child. ... On a previous occasion, Dale Barlow had beaten her so severely that it resulted in her having several broken ribs. ... S- J- also indicated that Dale Barlow would hurt her, explaining that he would force herself on her sexually. (at pages 44-45)

51. Affidavit of Truman Oler: Truman is a young man who left the Bountiful FLDS approximately 7 years ago, shortly after the community split. His affidavit tells his story in brief.

52. He speaks about the roles boys and girls were taught to take on, stating that "we were taught that the boys should follow their priesthood duty, obey everything you were told by the prophet or the bishop and in this way show that you were worthy to have one or more wives assigned to you. (at 8)

53. "I now think that the FLDS is like a cult" he writes later, "and that it is damaging for children to grow up in that environment. The FLDS does not permit anyone free choice. You are told what to do" (at 23). He further states that he never remembered 'being taught that being related to someone mean[t] that morally you should not think of that person as someone you would marry or have kids with' (at 9) and that 'a man or

woman in the FLDS could not decide who to marry, it was the prophet's decision' (at 14).

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Date: 8 November 2010

A handwritten signature in blue ink, appearing to be 'D. Matas', written on a light-colored background.

David Matas