

B) The information contained in the Report of Investigation (ROI) contradicts this very claim.

This claim can first be refuted by logic applied to some factual definition of some weights and measures. For the purposes of this calculation, I am using the measure of weight for sea water obtained by reference to Google and the Worldwide Web. Daime is heavier than sea water, but is similar in being water with added substance. It will do for the purposes of demonstrating the impossibility of the government's claims being true. A gallon of such liquid weighs 8.56 pounds (2.14 pounds per quart). 400 gallons of liquid would weigh 3,424 pounds, or 1.71 tons. The agents came to my house in a motor home on a pick-up truck chassis, plus two cars, one of which was used to take me to jail. That vehicle had no Daime in it. Where did the agents put 3,424 pounds of tea to transport it? How did they carry it by hand?

Further, that much liquid, if put in one container, which was not the case by the government's claim (see ROI item 3 "... the seizure of approximately [? mine] 18 large plastic jugs of the liquid DMT Tea, and miscellaneous small containers of DMT tea"), the container itself would measure 5 feet long by 5 feet deep by 5 feet in height, like an enormous fish tank. A more apt comparison to what this would actually look like is eight 50 gallon water heaters laid side by side. That weight and size would require a storage area of large proportions and special construction. The place where the Daime was stored is a wooden chapel that measures 10 feet 8 inches by 13 feet 5 inches. 27 inches of this space back to front is taken up with an altar with a locked cabinet with shelves underneath, where in fact the Daime tea was stored. The building itself is made of wood supported by wooden piers. Something of that size and weight would not fit in that small chapel, most particularly if stored in separate containers, each one, if the government's erroneous claim were to be correct, holding 20 gallons, or 80 quarts of tea. It would be too heavy for the building to support, and too big to fit in the space.

This claim is also shown to be false, whatever its motivation, by the policies and

realities of the Santo Daime church governing the distribution of Daime to affiliate churches. The only place in the world that one would find 400 gallons of Santo Daime tea in one place is in the central church facility in the Amazon jungle village of Ceu do Mapiá, where the Daime is made. I include in that statement the distribution center for the Daime in Rio de Janeiro, which handles the administration of the Daime tea for the entire eastern portion of Brazil and all the foreign churches. Even in places where the Daime is legalized, like Holland and Spain, that much Daime tea is not kept in one place at one time. 400 gallons is a huge amount of liquid to be transported and administered. Furthermore it would never happen that so much Daime would be assigned to one church, particularly a small one such as ours, operating under our conditions. Daime is made according to the needs of the various churches, and distributed according to the particular needs. The logistics of transporting so much tea, particularly as we have had to do in small quantities under threat of prosecution, would make it impossible to accumulate so much tea at any one time, or even over a period of years. It not only defies logic that we could have had so much tea at our home, it defies possibility.

On another level, I would estimate that the TOTAL amount of Santo Daime tea we have had in our church over our 15 years of existence might approach that quantity. It would not exceed it.

Now for the government's own demonstrated confusion. Agent Lakin claims in his affidavit that each container of Daime tea seized from the shipment from Brazil contained 5 gallons of tea. This is not correct, and even if it were, it still would not yield 400 gallons when added to the total. Daime is always packed for shipping in 10 liter (2.6 gallons) increments. This is because the plastic sacks that it is shipped in can handle a capacity of 20 liters of liquid at rest. But because the tea is inevitably jostled in its journey, experience has taught us to always leave 50% of the space in the sack for air to allow for any expansion of the tea that might occur. This is standard procedure.

This statement I am making can be objectively confirmed by testing Agent Lakin's statements by application of standard equivalent weights and measures:

1 Gal = 8.34 lbs (pure water)
1 Gal = 8.56 lbs (sea water)
1 Liter = .26 gallons
1 Liter = 1 Kilo
1 Liter = 1.05 quarts
1 Liter = 2.2 lbs
1 Kilo = 2.2 lbs

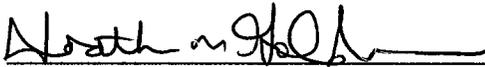
Agent Lakin says that the shipment of tea that was intercepted from Brazil contained "approximately 80 kilos" of tea (ROI item no.1) in 8 containers. 80 kilos in weight equals 80 liters of liquid, or 10 liters per container. 80 liters total yields approximately 20.8 gallons TOTAL in the entire shipment, or 2.1 gallons per container. That is a far cry from the 5 gallons per container that Agent Lakin claims were present. In his confusion, he would have us accept, as he apparently has, without looking at the facts, that there were 40 gallons in the shipment and another 360 stored in the little chapel behind my house. That would leave each of the 18 containers he refers to as weighing 171 pounds, a huge amount for anyone to carry or ship. It is simply not done. It easy to see that somehow and for some reason the agent's entire mathematical scheme is skewed.

The Court will finally note that in the ROI, item 3, Agent Lakin states that he and his cohorts seized over 400 gallons of tea from my home. Item 67 of the same document, which is the report of the actual analysis of what was taken, says that 553 pounds of tea was taken. Even assuming that the calculation does not include the containers it was in, which I submit is not the case, 553 pounds of liquid equals 64.6 gallons of tea. If one calculates the weight of the containers as averaging 2 pounds each, which is a low calculation based on my years of handling such, and even not taking into account the "miscellaneous small containers", 26 containers (8 in the shipment and 18 from the chapel) would weigh a minimum of 52 pounds. This equals 5.96 gallons. So the actual amount of Santo Daimé tea seized at my home was approximately 58.6

gallons. This amount converts into 225.4 liters of sacrament. In my deposition I estimated that the amount was 200 liters. Based on the government's weight of the seized tea, my estimate was off by 13%, but if one were to use the actual weight of tea per gallon instead of sea water per gallon in the calculation, I believe the margin of error would shrink appreciably. I apologize to the Court for the discrepancy. There was no intention at deception on my part.

Pursuant to 28 USC §1746, I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

Executed on this 30th day of December, 2008.


Jonathan M. Goldman

* The Court will note that it is the clear knowledge and contention of the plaintiffs in this case that the sacramental tea of the Holy Daime is not equivalent—spiritually, physically, or legally—to DMT. The Holy Daime contains the Divinity, was given by Divinity, and is a link to Divinity when used in the ceremonies given by that Divinity. It is not regarded, treated, or administered as a drug.

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing REBUTTAL WITNESS

STATEMENT OF JONATHAN M. GOLDMAN on:

Eric Joseph Beane / Brigham J. Bowen / Julie Straus / Lily Farel
Civil Division, Federal Programs Branch
U.S. Department of Justice
P.O. Box 883, Room 7124
Washington, DC 20044
Attorneys for Defendants

by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to each attorney's last-known address and depositing in the U.S. mail at Portland, Oregon on the date set forth below;

by causing a copy thereof to be hand-delivered to said attorneys at each attorney's last-known office address on the date set forth below;

by sending a copy thereof via overnight courier in a sealed, prepaid envelope, addressed to each attorney's last-known address on the date set forth below;

by faxing a copy thereof to each attorney's last-known facsimile number on the date set forth below; or

by filing electronically via the court's CM/ECF system.

DATED this 7th day of January, 2009.

TONKON TORP LLP

By 
Don H. Marmaduke
OSB No. 530727
Direct Dial: 503.802.2003
Direct Fax: 503.972.2003
Email: don.marmaduke@tonkon.com
Attorneys for Plaintiffs

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