

IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

THE CHURCH OF THE HOLY LIGHT
OF THE QUEEN, et al.,

CV 08-3095-PA

Plaintiffs

V.

MICHAEL B. MUKASEY, et. al.,

Defendants

**AMENDED WITNESS STATEMENT
OF
GATHEL SCOTT FERGUSON**

My name is Gathel Scott Ferguson. I am a 49-year-old husband and father. I am divorced but have remarried. My wife and I came to the church separately. We subsequently found our spiritual unity and were married in the church. Between us, my wife and I have 5 children that we are raising together. They range in age from 9 to 16. They are active children, each with their own set of interests and challenges. Between the competitive cross-country skiing, the fencing, the music and theatre, we keep pretty busy. We are proud of all of them.

In 1984 I was awarded a Bachelors of Science degree in Civil Engineering from Washington State University. I am a registered professional engineer in the States of Oregon and Washington. I own a small consulting engineering company that specializes in traffic engineering and transportation planning. In addition to running my business, I have served and am serving on national committees of the Institute of Transportation Engineers who are charged with reviewing technical publications and training courses for

the Institute. I have published technical papers that have been presented before the Institute of Transportation Engineers and the American Society of Civil Engineers.

I am a Christian man. I accept Jesus Christ as the Savior. My lineage on my mother's side of the family includes a strong history of ministers, some of whom I believe were abolitionists, as they were Free Methodists. While I grew up knowing this heritage, I was raised in a variety of protestant churches before my parents settled into the Disciples of Christ denomination. As an adult, I attended church very little since I was unable to find a spiritual connection in the churches I attended. After I moved to Bend, Oregon, I attended the United Methodist Church for several years before discovering CHLQ, which is my spiritual home.

I am active in our church. Our small church in Bend, Oregon is organized under the authority of CHLQ in Ashland and governed by the Board of Director of CHLQ, except for practical day-to-day matters where we manage our own affairs. Our Bend church is recognized as a "provisional church". I support our church in a number of ways. I am learning to play guitar in the traditional style of our religion and play guitar regularly at our services. I am a Director on the Board for CHLQ and I am president of our local organization in Bend.

I am also an active member of our community. I am respected for my technical expertise. I have served on a committee for the Bend-La Pine School District that was responsible for recommending changes to school boundaries. I organized a group of engineering professionals who occasional meet to discuss local issues. I provide technical assistance on a volunteer basis and financial support to Habitat for Humanity and a number of non-profit organizations located in Bend.

For the most part, I have felt safe to practice my religion in Oregon due to the ruling of the Oregon Pharmacy Board and the Oregon Attorney General in 2002. On the other hand, I have always felt an underlying nervousness that the federal government will take action against us. For me, the implications are greater than losing the right to practice my religion: I am concerned about my professional license, which can be questioned if I am convicted of a crime; I am concerned about how I would be able to support my family if I lost the right to practice; and mostly, I am concerned about how such an action would impact our children.

The consequences of legal action against us are significant to our children. Before the UDV case was given a favorable ruling by the Supreme Court my wife did not attend church for a number of years because of threats made by her ex-husband regarding custody of the children. It is also unnerving to think that armed agents could break into our home, arresting us in front of our children as was the case with Jonathan, simply because we are practicing our religion. And by becoming a plaintiff in this case and submitting into the records that I am a member of the Santo Daime Church, I am nervous about the implications to me and my family.

I have told very few people about my religion. Our children are aware of our practice, but we do not allow them to attend church. I have been afraid to tell my father, who is a devout man, out of concern that he would become upset over me doing something that may seem illegal. It is sad for me that I am afraid to tell him of my joy in finding spiritual connection. I would like to open this aspect of our relationship; but at

the same time I do not want to burden him with this. I also hide my religion from anyone but my closest friends. While our faith is not evangelical, there is a lack of integrity that I feel when I am evasive (and sometimes deceptive) in answering questions asked of me. It should not be this way. I want to be able to speak openly and honestly without hiding when someone is making honest inquires. Many of my clients, professional acquaintances, and casual friends are fairly conservative people. If they were to hear about my religious practice, most would be tolerant as to what I do on my own time if it is clearly within the law; but they are far less tolerant of people who they perceive as to be acting outside of the law.

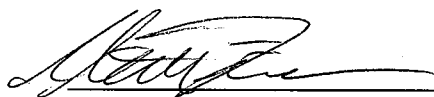
We are a devout group of worshipers that come from all walks of life. While people may first come to this religion for a variety of reasons, the reasons they stay are spiritual. The Daime is our sacrament and is at the heart of our religion because it embodies the spirit of Christ. In the five years since I first encountered the Daime, I have only observed reverence, in both word and act, in all aspects of how this holy beverage is handled. This includes restrictions on when and how it is used; an accounting of when and how it is used; as well as a core of devout members who uphold the sanctity of all aspects of ceremony. It is unfortunate that some who feel called to join us refrain from doing so out of fear of the law. This is a holy path. While this is not the path for everyone, it should be an open path for anybody who, like me, has been called to walk it.

It is shameful for this federal government to deny and continue to deny our right to practice our religion. We are asking for relief from government persecution as stated in our complaint.

Pursuant to 28 USC Section 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 3rd day of November, 2008.

Respectfully submitted,


G. Scott Ferguson

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing AMENDED WITNESS STATEMENT OF GATHEL SCOTT FERGUSON 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 1st day of December, 2008.

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