

IN THE

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

THE CHURCH OF THE HOLY LIGHT) CV 08-3095-PA

OF THE QUEEN, et al.,)

Plaintiffs)

V.)

)

MICHAEL B. MUKASEY, et. al.,)

Defendants)

AMENDED WITNESS STATEMENT

OF

MARY ROW

I have requested that my lawyer not use my real name because of the great fear I have about recrimination I may undergo and the threat of criminal prosecution against me if my real name were known. I would be perfectly happy to have the Judge know my name and some particulars I have left out that would more clearly identify who I am. I live in southern, Oregon

It has been an interesting path that has led me from a "died-in-the-wool" western medical doctor to writing a Witness Statement regarding the importance of the legalization of the Santo Daime church and it's practices.

My career started out as a Paramedic. My first ambulance run was as a student, attending to a young man shot in the forehead at close range. I was captivated by the wonder of working to save a human life. I dropped out of college to become a Paramedic. Over the next five years, I became manager of the first Advanced Life Support ambulance service in a western state. I also worked for the State Emergency Medical Services office traveling around the state training and testing emergency personnel. It was during this time I decided a career in medicine was for me. I received multiple awards of recognition during this time for serving the community.

I received a Bachelor of Science degree in Zoology and Physiology from the University of XXXXX in 1982. I received my medical degree from (XXXXX) University School of Medicine in 1986.

From there I completed a residency in Internal Medicine at a highly respected hospital in the northwest. Thereafter, I completed a Pulmonary Critical Care Fellowship at XXXXX in 1991.

I chose Pulmonary and Critical Care Medicine Fellowship training, as the intensity was similar to emergency medicine, but with a component of ongoing care and relationship with the patient and families not found in the emergency room. I was offered an opportunity to start up a pulmonary critical care service for a large Medical Center, accepted the position, and became the founder of a successful pulmonary- hospital clinic, XXXXX Lung Institute, in the northwest.

I served as Director of Critical Care plus Director of Respiratory Therapy for 8 years. I served as the Chairman of the Medicine Department for 2 terms, 4 years, and served on the Credentials Committee, the Ethics Committee, and countless other small committees, and was overall extremely active with all layers of medicine – both administrative and clinical.

Critical Care Medicine is a high intensity, demanding job where people's lives are in one's hands every day. I became extremely adept at usual ICU care, managing the sickest patients in the hospital. I marveled at how we physicians can manipulate every single organ system of the body with drugs and machines. The harder part was what they did not teach us in medical school or any of the years of training, and that was how to deal with families facing the loss of loved ones, and the agonizing decisions regarding life support issues. Untold hours spent providing guidance, counseling, emotional support, etc to both the families and other staff began to take a toll on me. I started to look around hoping to find coping skills from other physicians, especially my partners as well as mature practitioners. What I saw were people struggling to keep it together, major depression, lackluster health, rocky relationships, and really high alcohol use amongst health care providers. I did not want to become one of the walking wounded, but I really did not know what to do. As luck would have it, I had a very wise patient who was a nurse who told me about a medical conference that was on "alternative medicine". She suggested I check it out, because "those people" seemed to really enjoy what they were doing.

I signed up for the conference, and she was right! These doctors and nurses and other providers were not only happy and thriving, but they were performing state of the art health care, with heart. What a concept! Ultimately, I was accepted into the University of Arizona Integrative Medicine Fellowship Program, championed by Dr. Andrew Weil.

Later, in another fortuitous moment in life, a friend invited me to join in a ceremony to be performed by a shaman traveling in the area from Peru. Only because I have a great deal of respect and trust for this friend did I agree to attend, and I daresay it was life changing. Little did I know I could find religion from a practice performed by the medicine men and women from various indigenous cultures around the world for hundreds of years. I came to understand a different way to relate to others with a compassion and respect I had not known.

I began to yearn for a spiritual community that could speak to this new way of being. I learned about the Santo Daime church in Ashland, and for years decided against seeking out the Church after hearing the Church leader had been arrested and taken to jail for his practices. I felt I could not risk my career by attending this church, but ultimately the tug became so strong, I asked to visit. It was everything I needed. Ultimately, despite the risk, I asked to join.

It is in the Santo Daime that I found God and Christ's teachings. My grandfather was a Lutheran minister, and I had been instructed in the teachings of the Bible since childhood, but it never really spoke or appealed to me. In the Santo Daime, I found myself becoming a "religious person."

Here I was, relearning about God and Jesus and prayer and all the things I formerly discounted or felt I did not need in my life. Since becoming a member of the church, I have learned respect and forgiveness and acknowledgement that all humans are equal and deserving. I have learned to be nonjudgmental. I have learned compassion. The Santo Daime teaches this is the best way to be in the world, and particularly as a doctor. I am now able to be with patients and families in a way of caring and compassion I never dreamed possible. And I am the happiest and most fulfilled I have ever been.

Except one huge problem: the federal government treats the Daime as though it is illegal. This is why I have requested to remain anonymous for now. I have sued the government and although my religious practices are perfectly legal, the government has clearly indicated it may arrest and prosecute any members of the Santo Daime church who bring the tea into the United States or take it at services. Therefore by becoming a plaintiff I have revealed that I am a member of the Church and as long as the government continues to ban the tea, I am in imminent danger of arrest.

As the Oregon Pharmacy Board properly found, this is not an addictive "drug" or a "drug of abuse." Church members do not get "high". Recognize this is not an easy path, and not many people have been called to this type of religion. I believe in this country where autonomy and personal and religious rights and freedoms are allowed and condoned, I should be free to practice my religion without fear of persecution or arrest

The members of my church are not zealots, fanatics, or drug addicts. They are not bigots or hate mongers. They practice acceptance and tolerance as a central tenet of our Christian belief system. They are from all walks of life and are devoted to a path of self-learning, self-awareness, and self-realization that leads to healing on all levels. I truly admire and respect each and every person for his or her practice, each knowing the underlying fears of cultural reprisal we all live under. I invite anyone who might entertain fear or a notion that this practice might interfere with my capabilities as a physician to come to my world in the hospital and follow me around for a day. Fear is a response to ignorance.

I have agonized over the fear of arrest and prosecution if federal agents know who I am as a church member. I am in great fear that the DEA and other agencies that I deal with as a medical doctor will seek reprisals against me. Such actions have historically occurred. For example, Oregon physicians who administered a Controlled Substance to patients pursuant to Oregon's Assisted Suicide Laws were threatened by the same defendants as in this case with having their licenses to prescribe controlled substance revoked and that they might be prosecuted criminally even though Oregon had determined that administering the substance was a valid medical practice.

I am also concerned that until this Court declares our practice legal, that I and the hospital I am associated with, will be the object of recrimination by professionals who have a very myopic view of these subjects.

I have chosen to come forward because it is so morally wrong for the government to force us to act as though our sacred "Daime" tea is a drug, when it is the vehicle for us to receive the body and spirit of Christ and imbibe his teachings.

I know I am taking a huge risk in coming forward and pray that this Court will provide me with immediate protection from any retribution by the defendants in this case.

The only information held back in the Witness Statement are my name, the town I currently live in, the names of the two Medical School I attended, and the hospitals I have been associated with. I am happy to provide these names to the Court.

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

Executed on this 31 day of 10, 2008.

Respectively Submitted,

Mary Row

A handwritten signature in black ink that reads "Mary Row". The signature is written in a cursive, flowing style.

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing AMENDED WITNESS STATEMENT

OF MARY ROW 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.

TONKON TORP LLP

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

097204\00001\1188593 V001