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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
(Medford Division)

**THE CHURCH OF THE HOLY LIGHT
OF THE QUEEN**, a/k/a The Santo Daime
Church, an Oregon religious corporation, on
its own behalf and on behalf of all of its
members, **JONATHAN GOLDMAN**,
individually and as Spiritual Leader of the
"Santo Daime Church," **JACQUELYN**

Civil No. 08-cv-03095-P.

**AMENDED EXPERT WITNESS
STATEMENT OF JOHN
BAPTISTA DAS NEVES MACRAE**

(Faculty of Philosophy and Human

**PRESTIDGE, MARY ROW, M.D.,
MIRIAM RAMSEY, ALEXANDRA
BLISS YEAGER and SCOTT
FERGUSON**, members of the Santo Daime
Church,

**Sciences; Federal University of Bahia-
FFCH/UFB, a Center for the Study of
Therapy of Drug Abuse)**

Plaintiffs,

v.

MICHAEL B. MUKASEY, Attorney
General of the United States; **KARIN J.
IMMERGUT**, United States Attorney,
District of Oregon; **HENRY M.
PAULSON**, Secretary of the U.S.
Department of the Treasury,

Defendants.

Edward John Baptista das Neves MacRae, declares under God, the truth of the matters set forth below.

In order to answer questions regarding the ritual use of the ayahuasca brew by the Santo Daime Church in Brazil and the possible implications of its use in the United States of America, I have reviewed the existing anthropological literature on the subject, including my own works and field notes. I am mainly interested in the subject from the point of view of drug policy and have written books and scientific articles from this perspective. Therefore, the questions regarding possible health and safety issues, the danger to the public, the possibility of illicit diversions of the brew and its relation to the drug problem, are matters that I have been giving much thought to over the last decade, since I began my studies on Daime and other entheogens (psychoactive plants used for religious and sacred purposes). In 2003 I was appointed member of the Brazilian National Antidrug Council (CONAD), a body reporting directly to the Minister Chief for Institutional Security, General Jorge Armando Felix. In 2004, as a member of the Council's Technical-Scientific Advisory Chamber (CATC), I took part in discussions on certain aspects of religious ayahuasca use. The resulting report was approved by CONAD and informed the Resolution 5, signed by General Felix on

November 4th, 2004, which instituted a Multidisciplinary Work Group (GMT Ayahuasca) to which I was also nominated as a member. These appointments were made due to my longstanding work on the social and cultural aspects of drug use and on the prevention of abuse as well as my research regarding the Santo Daime religion and its followers.

Since 1987 I have been involved in Brazilian official drug prevention programs both at State and Federal levels. In this regard my main activities have been concerned with drug prevention among young adults, including issues such as distribution of illicit drugs and curbing HIV infection among injecting drug users. For some years now my academic research interest has also included the religious use of psychoactive substances. The issue of the religious use of psychoactive plants had never been a very important question from the point of view of national drug policy, since on no occasion had this ever presented any major problem to public health or to the maintenance of law and order, until approximately twenty years ago when certain religions whose major centers were in the Amazon expanded and began to emerge in the cities.

A number of public inquiries have been held into this matter due to the apparently odd status of the legal use of this substance in a country that follows quite closely the Vienna Convention protocols on the control of illicit drug use and trafficking.

As an anthropologist, I have been particularly struck by the arguments presented by important theoretical thinkers on the drug question, such as Norman Zinberg, in the USA, Claude Olievenstein, in France and Antonio Nery Filho, in Brazil, who maintain that in order to approach it successfully one must take into account not only its pharmacological but also its psychological and socio-cultural aspects. In spite of the fact that he was a psychiatrist, it was Norman Zinberg who most clearly pointed the way to an anthropological study of drug control, as can be perceived in the following quotation where he calls attention to the importance of the informal controls that act at an interpersonal level to regulate psychoactive substance use:

"The use of any drug involves both values and rules of conduct (which I have called social sanctions) and patterns of behavior (which I have called social rituals); these two together are known as informal social controls. Social sanctions define whether and how a particular drug should be used...Social rituals are the stylized, prescribed behavior patterns surrounding the use of a drug...."

(Norman E. Zinberg, M.D., Yale University Press, 1984).

Thus, in my research among drug users, I have usually tried to detect the existence of these social sanctions and social rituals and examine their operation. In my studies of the Daime, this led me initially to study the founder of the movement, the Black rubber tapper Raimundo Irineu Serra, who lived in the Territory of Acre, in the Brazilian Amazon region. It was he who, in the second decade of the twentieth century, after being introduced to the ayahuasca brew by an Indian shaman, began a long process of Christianization of its use.

Ayahuasca is a beverage that is brewed from a mixture of *Psychotria viridis* leaf which contains the indole alkaloid N,N-dimethyltryptamine (DMT-a psychoactive chemical) and the *Banisteriopsis caapi* vine, which contains certain alkaloids known as beta-carbolines. DMT, the specific alkaloid often thought to be most responsible for the psychoactive effects, is not active when taken orally, because it is digested by certain stomach enzymes which are inhibited by the beta-carbolines which then render the DMT active.

Substituting the ambiguous traditional shamanic power ethic, "Irineu" as he was commonly known, introduced the Christian values of unconditional love for one's neighbors and the veneration of Catholic saints. As for the ayahuasca brew which he renamed Daime or Santo Daime (Holy Daime), he likened it to the Christian sacrament, calling it " The Blood of Christ".

Acre was very sparsely inhabited then and was yet to undergo the process of colonization that has now made it an integral part of the Brazilian nation. Some

anthropologists argue that the doctrine spread by "Mestre Irineu" played a key role in the transition, from life in the isolation of the forest to urban conviviality, that the local population had to undergo after the end of the rubber boom. As such the Santo Daime doctrine is an integral element in Acrean culture, even though today most of its inhabitants may nominally profess to be Catholic.

Mestre Irineu's contribution to a more Westernized use of ayahuasca included the development of a series of new rituals he received in visions, involving the sacramental use of Daime displaying again a marked Christian influence, although certain Indian and African characteristics are also to be detected. They vary according to the occasion and may be celebratory "hymnals", meditational "concentrations", exorcisms, "healing works" funeral "masses" and the "makings", during which the sacrament is ritually manufactured. The Church doctrine can be described as Catholicism modified by indigenous and African influences. The hymns of the Church are conceived of as having been received by Mestre Irineu from God and are remarkably similar to the hymns sung in a Catholic Church. They reflect a belief in Jesus Christ as the Saviour and speak to all of the traditional Catholic values and social standards. My report includes as an exhibit the Hinário of Padrinho Sebastião Mota de Melo, the successor of Mestre Irineu. By way of comparison to a traditional Catholic ceremony, the Santo Daime "works" all begin with the "Hail Mary." And every ceremony ends with the following prayer:

In the name of God, the Father,
Of the Sovereign Virgin Mother
Of Our Lord Jesus Christ,
Of the Patriarch Saint Joseph
And all the Divine Beings
Of the Celestial Court
Under the orders of
Our Imperial Master Juramidam
Our work is closed
My brothers and my sisters
Praised be God in the heights
So that She be always praised

Our Mother Most Holy Mary
Over the whole of Humanity

The Church rituals, which are invariably accompanied by the singing of hymns containing a strong Catholic imagery, frequently involve communal dancing. They are very structured affairs, with fixed steps and during which everyone keeps to predetermined places, with a rigid separation according to sex and age group. This emphasis on self-control, has led anthropologists to consider them to be "rituals of order" promoting group and hierarchical cohesion and a search for spiritual harmony both within and without. This order is maintained through the observance of what Zinberg would call a series of "social rituals."

Although, from a pharmacological point of view, Daime contains potent psychoactive agents, such as DMT and other alkaloids, the historical use made of it by these religious organizations establishes that there is no evidence that it leads to any ill results, as attested by recent medical studies of long time users. This is probably due at least in some measure to the strict ritual control built around this practice and to the fact that the brew is not taken extraritually.

Every Daime ritual or "work" is thought to be an opportunity for learning and healing and for the indoctrination of the spirits present either in the "material" or in the "astral" planes. As mentioned, there are different rituals for different occasions or different needs but they all involve taking the brew and entering into an altered state of consciousness in a Christian religious social and physical setting designed to contain and guide the "voyages".

Many factors contribute to this, such as:

a) dietary and behavioral prescriptions, such as those requiring abstinence from alcoholic beverages, that must be observed during the three days that precede and follow the taking of the drink, thus setting the stage for an unusual event that escapes the daily routine.

b) hierarchical social organization in which a "padrinho"(church elder or leader) conducts the service with the help of assistants whose duties are not dissimilar to those performed by ushers meeting the needs of the congregants.

c) control of the dosage of the drink taken by participants.

d) ritual spatial organization and ritual structure control. There is a central table\altar where the double armed Cross of Caravacca and other Christian and indigenous religious symbols mark the sacred nature of the event. All those taking part are given a specific place in the room, usually in a rectangle formation drawn on the ground, where they must remain, grouped by sex.

Generally, white uniforms of a sober modest cut stress the unity of the group and help maintain a mood of religious ritual seriousness. The service is highly prescribed involving a combination of a simply dance steps, the singing of hymns and the movements of those taking part are rigidly prescribed and one of the main duties of the assistants is to ensure the maintenance of a certain posture that is recommended for the seated "works" (raised heads and relaxed and immobile arms and legs).

Another important element is the music which is sung and played during most of the ceremonies, which helps harmonize the group, through marked rhythms and voices in unison. The ritual use of music harks back to ancient shamanic customs from which the ritual taking of ayahuasca originates. Singing and the use of percussion instruments with a strong, repetitive beat, are powerful aids and are thought to act as a way of invoking spirits. The words of the "hymns" which invoke common Catholic themes such as reverence of Christ, and the teachings of peace and love direct the focus of the ritual experience in the desired direction of invoking spiritual and personal insights and communion with God and also assist in mitigating any discomfort associated with the ingestion of the tea.

The hymns also help in the interpretation of the experiences people have during the services. They help to create connections between the lived experiences and the

spiritual or mythical symbols with which they become invested, which is of great importance promoting the cohesiveness of the ceremony for all who attend. The Catalan anthropologist Josep Maria Fericgla, working on the Indian use of ayahuasca, like Victor Turner, considers that this psychic or spiritual function of symbols was lost by Western societies when they abandoned their traditional ways of organizing unconscious drives and using these "sources of renovation" for individual and collective benefit. (Fericgla 1989:13).

To the extent that certain substances are considered "drugs" when used under a given set of circumstances, and as "non drugs" in other circumstances, the drinking of the Daime beverage as the sacrament of this religion would be the classic example of "non drug" use, as noted in the CONFEN Report cited below. The purpose for which Daime is taken, the ritualistic and highly structured ceremonies which are focused on Christian doctrine with indigenous nuances, together ensure that the social taboos that accompany the typical drug user, do not, in this case, pertain in any manner.

I. OFFICIAL INVESTIGATIONS OF THE DAIME

During Mestre Irineu's lifetime and after his death, in 1971, some of his early followers embarked on new paths. Amazonian rubber tapper, Sebastião Mota de Melo, better known as Padrinho Sebastião, after Mestre Irineu's demise chose to become autonomous and introduced some new elements of his own revelations to the doctrine. Unlike the other Daime leaders, he was very welcoming towards young newcomers from outside the Amazon area. As a result, a number of centers were then set up in several cities outside the Amazonian territory and the size of the congregations increased. More recently, especially in the 90's, Santo Daime churches following Padrinho Sebastião's spiritual line began to be set up abroad and are now to be found in many South American and European countries. Such is the case with the American churches as well, although the first Americans to bring Daime to the USA seem to have done so during the 80's.

Initially a large proportion of the members of these new churches were

young adults who found that belonging to such a religious group provided them with a sense of social, psychological and spiritual identity that helped them cope with the very quick cultural changes occurring around them with regard to the sexual and work ethics and the breakdown of traditional family organization and values.

The disciplined use of Daime also provides congregates with a safe, well mapped route to the kind of transcendental religious experience that many search for in a compulsive use of alcohol and drugs. Thus, taking part in these religious groups tends to be a particularly effective way of dealing with alcoholism and drug addiction, since, rather than just saying no to any kind of induced alteration of consciousness, the Daime provides the religious structural context within which to work through personal and difficult life issues in a setting that provides greater safety. One could, quite appropriately say that, the Santo Daime religious doctrine and practice is intrinsically a very desirable and effective harm reduction methodology of great social and psychological value to the congregates since they were founded.

As long as the use of Daime was confined to the distant Amazonian region it was ignored by the metropolis-oriented Brazilian authorities and opinion makers. However, the spread of the Santo Daime church and another church [the União do Vegetal that also holds the hoasca tea, another form of Ayahuasca as its sacrament] among the urban middle class youth soon called official attention. In 1986, pending further studies, the government decided to ban the use of ayahuasca. However the study group officially appointed, by the Federal Narcotics Council –CONFEN, to look into the matter, after six months research produced a paper calling for the repeal of the ban on a nationwide level. Among other arguments they pointed out that no damage to health had been proven to be caused by the use of the brew and that the members of the different religious groups had been found to be orderly and to lead their lives according to the accepted social values.

several studies have already been conducted both by Brazilian and foreign scientists (Andrade, et al. 1995, Aranha, et al. 1991, Callaway, et al. 1994, Costa, et al. 1995, Grob, et al. 1996, Mackenna, et al. 1998), pointing out the relative harmlessness of the brew to the organism.

Similarly, the inquiries held by CONFEN as well as other anthropological research have shown that those persons who take the brew in the limited context of the religious rituals described herein, are particularly abiding to the basic values of traditional Brazilian society. The case of the Daime community Ceu do Mapia, in the heart of the Amazonian rain forest, is a striking example of this. The whole area is renowned for the poverty of its inhabitants and for its lawlessness; yet this community, in spite of its own poverty, is an oasis of tranquility and order, where the problems of drunkenness, violence and prostitution, endemic in the region are virtually unknown. Ceu do Mapia, in fact, acts as a refuge for many trying to escape the surrounding misery and its leaders are widely respected for their kindness and wisdom.

The possibilities of diversion of the brew from its ritual purposes are quite small. As already mentioned, Daime is likened to the Holy Sacraments of the Roman Catholic Church, and considered to be an object of veneration in itself. The access to it is a jealously preserved prerogative of a small body of veterans and subject to great communal vigilance. In addition, from the moment of the initial gathering of the vines and leaves that make up the beverage, to its preparation and actual brewing, the handling and stocking of the ingredients and of the final product are surrounded by several taboos. Even the shipment of Daime to the different extra-Amazonian churches is a matter of great spiritual concern and care and serious efforts are made to ensure that it is never left unguarded, for instance. In this environment, it is very difficult for anyone to try to tamper or adulterate it, for instance, since the Santo Daime followers believe that even a drop of water, added outside the ritual, is enough to rob it of its sacredness.

I am familiar with the process for maintaining control over the Daime manufacture, distribution, exporting and accounting to ensure that it is not diverted to an illicit use in Brazil or abroad. The manufacture and distribution of ayahuasca for religious purposes is legal in Brazil. The brew masters keep detailed records of every batch of tea that is brewed. The tea is labeled and kept in a guarded locked building in Mapia. Whenever there is a shipment to another church, the brew masters record the exact amount that is being transported. It must be remembered that "Daime" is generally produced in "Colônia 5.000" on the outskirts of Rio Branco or in the "Céu do Mapiá" community, in the heart of the rain forest. From these places it is sent to the leaders of the other churches, who have been entrusted by the head of the religious movement with the responsibility of distributing the sacred brew. The Daime is usually stored ceremoniously in the house of the local leader, where it may only be handled by a few more trusted members of the local church. The sacramental use of Daime tea in religious ceremonies continues to be a lawful use in Brazil, and no laws in Brazil prohibit the export of the Daime tea.

Each local Church, in turn, is required to keep detailed records regarding the number of people who attend a service and the amount of Daime distributed at that service. This is done for every service. There is a requirement that local records be maintained and presented to the brew masters upon request.

Similarly, when the tea is exported, all of the typical export documents are filled out in Brazil, including listing the contents of the product. When a batch is received in another country, the Church leaders there are required to keep similar records and present copies to Brazil periodically.

I am satisfied that the brew is controlled in a way that renders the likelihood of it being distributed to the illicit market virtually impossible. Because each of the Church leaders or someone under his/her direct supervision is responsible for administering the beverage at services, the controls are very effective. Indeed, it would constitute a sacrilege

for anyone to have the beverage outside of the ritual services. These controls have been more than adequate to meet the country's drug policy expectations of ensuring that the Daime not make its way into the illicit markets in Brazil after more than a decade of its legalization for religious use.

The myths that have developed regarding the use of all psychoactive plants have generally failed to recognize that the setting determines in large measure the individual and social effects resulting from their use. The traditional views that all "drugs" are excuses to avoid facing real life issues or to simply experience a "pleasurable high" are in no way applicable to the religious drinking of ayahuasca or Daime.

The length and rigidity of the ceremonies, the traditional values conveyed by the doctrine and by the hymns that are ritually sung throughout, the bitter and foul taste of the tea and the purging or vomiting physical reactions that accompany the taking of the brew tend to push away those who lack a serious intent. Yet, many who initially were moved by idle curiosity find themselves touched by the ritual experience and go on to become converted to the doctrine and open themselves to profound changes in their values and life styles. The traditional Indian use of ayahuasca has always been closely associated with spiritual healing and it is quite remarkable how many of the old Amazonian Santo Daime veterans claim to have become rid of alcoholism thanks to their sacrament. Even among younger more urban church members there are many who claim to have given up alcohol and cocaine abuse thanks to the doctrine. So it seems that rather than being an object of concern, the spread of this religion may contribute to the diminishing of drug abuse thanks to the values promoted by its doctrine, which include emphasizing the seriousness and sacredness of the teaching, that it ought never to be undertaken lightly and that self-knowledge and self-control are an essential part of the experience.

The Santo Daime Church in Brazil is highly respected in the religious community and is a participant in routine meetings and conferences with other more

established Christian religions. The Santo Daime Church has valuable ties with the Catholic Church in Brazil. Attached to my Report are letters from various Catholic organizations and clergy including the following. I have included excerpts from these affirmations:

1. Dom Mauro Morelli, 1st Bishop of Duque de Caxias Diocese:

The Santo Daime religious beliefs are also deeply rooted in Christian theology. Participants of the Santo Daime have been working together with other religions and religious groups committed to environmental issues and are well known in Brazil in this regard. Leaders of the Santo Daime participate along with other religious leaders in many issues of concern to all religions in Brazil.

2. Brazilian Council for Justice and Peace Associated to the Pontifical Council for Justice and Peace – Rome-Related to the National Conference of the Bishops of Brazil:

In the latter half of the 80's, as a result of being commissioned by the National Conference of the Bishops of Brazil (CNBB), to undertake research on religious diversity in Brazil, we started our contacts with members of the Santo Daime Church.

In every sense of the concept of religion, the Santo Daime church has clearly established itself. Scholars from all across Brazil have recognized the legitimacy and importance of this religion, particularly because it was actually founded in Brazil.

3. Fr. Marcelo de Barros Souza, osb Monastery of the Annunciation of the Lord Prior of the Monastery:

I am a Benedictine monk and prior of the Monastery of the Annunciation of the Lord, in Goiás, Brazil.

I came to learn about the Santo Daime religion over the years. I consider that the religion is a fully established religion in Brazil with churches throughout the country. Its doctrine and beliefs are a translation and adaptation of Christianity to indigenous cultures of the Amazon region.

The Santo Dime Church has operated in Brazil for several generations now with no reports of any casualties or unwanted health consequences as a result of taking the tea.

These letters are only a few examples of the universally recognized respect that all religious leaders in Brazil have for the Santo Daime religion.

It is my opinion that from a drug policy perspective, there are no government

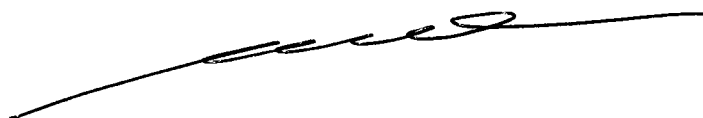
policy objectives that are violated by the sacramental use of Daime. It has clearly contributed to the spiritual and psychological well being of thousands of Brazilians who have chosen to become members of the Church.

It is very important in a country like Brazil that the Catholic Church recognizes the Santo Daime church and that it has spoken eloquently about its service to environmental and humanitarian issues and how it is considered a full partner in inter religious organizations and conferences in Brazil.

I have not testified in the past four years in any litigation. I have received approximately \$1,250 for my services in this case. The attached Curriculum Vitae is an accurate summary of my educational and professional activities, including some of my most important books printed in Brazil and in Spanish.

Pursuant to 28 USC § 1746, I declare under penalty of perjury that the facts set forth above are true and correct to my knowledge and belief.

Salvador, Brazil
November 16, 2008.



Edward J. B. N. MacRae

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing AMENDED EXPERT WITNESS
STATEMENT OF JOHN BAPTISTA DAS NEVES MACRAE on:

Eric Joseph Beane / Brigham J. Bowen / Julie Straus / Lily Farel
Civil Division, Federal Programs Branch
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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

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