

Roy S. Haber, OSB No. 800501
haberpc@cyber-dyne.com
ROY S. HABER P.e.
570 East 40th Avenue
Eugene, OR 97405
Telephone: 541.485.6418
FAX: 541.434.6360

Don H. Marmaduke, OSB No. 53072
don.marmaduke@tonkon.com
TONKON TORP LLP
1600 Pioneer Tower
888 SW Fifth Avenue
Portland, OR 97204-2099
Direct Dial: 503.802.2003
Direct FAX: 503.972.3703

Gilbert Paul Carrasco, California Bar No. 90838
(*Appearing pro hac vice*)
carrasco@willamette.edu
No. 451
245 Winter Street SE
Salem, OR 97301
Telephone: 503.370.6432
FAX: 503.370.6375

Jack Silver, California Bar No. 160575
warrioreco@yahoo.com
(*Appearing pro hac vice*)
PO Box 5469
Santa Rosa, CA 95402-5469
Telephone: 707.528.8175
FAX: 707.528.8675

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

Civil No. 08-cv-03095-PA
PLAINTIFFS' FIRST AMENDED
PROPOSED STIPULATIONS
OF FACT

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

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.

STIPULATION NO. 1. Plaintiff THE CHURCH OF THE HOLY LIGHT OF THE QUEEN (CHLQ) is a religious corporation formed under the laws of the State of Oregon whose principal office is located in Ashland, Oregon. It is also named The Eclectic Center of the Universal Flowing Light, and it is a local United States Branch of the Centro Eclectico de Fluente Luz Universal Raimundo Irineu Serra, CEFLURIS (the "Santo Daime Church" of Brazil), a fully recognized Christian religion in Brazil.

STIPULATION NO.2. The named Plaintiffs are members of the CHLQ Santo Daime Church.

STIPULATION NO.3. Plaintiff Jonathan Goldman is the religious leader or "Padrinho," which translates literally to "Godfather" of CHLQ, is the representative of CEFLURIS in the United States, and resides in Ashland, Oregon.

STIPULATIONS NOS. 4-8: ALEXANDRA BLISS YEAGER is the spiritual leader of the Santo Daime Church the Ceu da Divina Rosa (the Church of the Divine rose), which is located in Portland, Oregon, JACQUELYN PRESTIDGE is the Chairperson of the Board of Directors of CHLQ and resides in Bend, Oregon. MARY ROW, M.D. is a member of the CHLQ and resides in the State of Oregon. MIRIAM RAMSEY is a member and the compensated administrator of CHLQ, and resides in Ashland, Oregon.

STIPULATION NO.9: MICHAEL B. MUKASEY is the Attorney General of the United States and, as such, the head of the United States Department of Justice (DOJ) 28 U.S.C. § 503.

STIPULATION NO. 10: KARIN J. IMMERGUT is the United States Attorney for the District of Oregon.

STIPULATION NO. 11: HENRY M. PAULSON is the Secretary of the Treasury of the United States.

STIPULATION NO. 12: Members of the Santo Daime religion, which include the Plaintiffs, imbibe a sacramental tea (the "Daime Tea") as a central part of their religious ceremonies in the practice of their religious beliefs. "Santo" in Portuguese means "Holy." "Daime" in Portuguese means "give me," interpreted to mean "give me light and give me love." Church doctrine teaches that members can only fully perceive and understand God by drinking the Daime Tea.

STIPULATION NO. 13: The Daime Tea is prepared by boiling the bark and stems of Banisteriopsis Caapi with plants of the genus Psychotria viridis. Both plants are native to the Amazon region of Brazil. Banisteriopsis caapi is a large, rugged vine containing three chemical alkaloids, harmaline, harmine, and 1,2,3,4-tetrahydroharmine. The leaves of Psychotria. viridis contain alkaloids, including dimethyltryptamine (DMT), a Schedule I substance, which produce psychoactive effects.

STIPULATION NO. 14: When taken orally, DMT (whether obtained from plant sources or synthesized) is not psychoactive unless ingested with an MAO inhibitor such as harmaline, which is found in Banisteriopsis Caapi.

STIPULATION NO. 15: The ingestion of Daime Tea is the central ritual and sacrament of the Santo Daime religion; it is Plaintiffs' sincere religious belief that the body of Christ is present in the Daime Tea.

STIPULATION NO. 16: CHLQ, the Plaintiffs and other members of the

Church seek to import Daime Tea into the United States for religious purposes and to ingest it as part of their religious ceremonies.

'STIPULATION NO. 17: CHLQ administers to a small congregation of about a dozen people in Bend, Oregon.

STIPULATION NO. 18: The Santo Daime Church doctrine is in part Catholicism and in part indigenous and African influences. It involves a belief in Jesus Christ as the Savior and adherence to traditional Catholic values and social standards.

STIPULATION NO. 19: Santo Daime Church members ingest the Daime Tea orally during Church services, and the sacrament is accompanied by the singing of Hymns received by the Church's religious leaders over the past century.

STIPULATION NO. 20: Plaintiff Goldman is authorized by the Santo Daime Church in Brazil to receive, store, account for and administer the tea.

STIPULATION NO. 21: On or about May 20, 1999, United States Customs officers intercepted a shipment of the Daime tea sent from Brazil to Plaintiff Goldman, entered plaintiff Goldman's home, searched his premises and seized a quantity of tea, as well as other property, from the Goldman residence. Mr. Goldman was arrested, jailed and later released on bond.

STIPULATION NO. 22: Defendant Hnmergut's predecessor advised Plaintiff Goldman's attorney by letter dated October 11, 2001 that "[T]he decision to prosecute your client for his conduct remains an open question pending the decision of the United States Department of Justice regarding your request for a controlled substance exemption."

STIPULATION NO. 23: On October 19, 2001, the United States Department of Justice advised that it "believes the prohibition on the importation, distribution and possession of ayahuasca tea is the least restrictive means of furthering a compelling government interest."

STIPULATION NO. 24: On September 15, 2008, defendants advised plaintiffs, "Defendants can state now that the federal government has a compelling health and safety interest in banning the use of ayahuasca, as well as a compelling interest in preventing the diversion of ayahuasca to nonreligious use."

STIPULATION NO. 25: Plaintiffs petitioned the State of Oregon's Board of Pharmacy, which has concurrent jurisdiction with the defendants over distribution of controlled substances and abuse of controlled substances in the State of Oregon, to permit CHLQ to serve the Daime Tea as a sacramental offering at its Church services held in the State of Oregon.

STIPULATION NO. 26: On November 8, 2000, the Oregon Pharmacy Board announced that the State of Oregon "does not consider sacramental use of the Santo Daime tea in the Church's religious ceremonies to constitute abuse of a controlled substance: and that it "neither possesses nor plans to exercise regulatory authority with regard to the religious practices of the Santo Daime Church in Oregon."

STIPULATION NO. 27: In the late 1980's, the Brazilian Federal Narcotics Council ("CONFEN"), whose members included a wide variety of medical, social, psychological, historical, anthropological, law enforcement and drug policy experts, embarked on a two-year study of the religious practices of the Santo Daime Church, including the central practice of ingesting the tea at its ceremonies.

STIPULATION NO. 28: The CONFEN ruled that the religious use of the Daime Tea would be legally recognized and protected from governmental interference in Brazil.

STIPULATION NO. 29: There is no evidence that Daime Tea intended for religious use by plaintiffs has ever been diverted to non-ceremonial use.

STIPULATION NO. 30: There is no evidence that any individual plaintiff who imbibed the Daime Tea has ever suffered any medical or psychological harm from such

use.

STIPULATION NO. 31: The Santo Daime religion and Church were established in the 1920's in the Amazonian region of Brazil by Raimundo Irineu Serra.

Dated this 31st 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

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **PLAINTIFFS' FIRST AMENDED PROPOSED STIPULATIONS OF FACT** 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

D 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;

D 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;

D 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;

D 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 CMIECF system.

DATED this 31st 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