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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

THE CHURCH OF THE HOLY LIGHT)
OF THE QUEEN, a/k/a The Santo Daime)
Church, *et al.*,)
Plaintiffs,)
v.)
MICHAEL B. MUKASEY, *et al.*,)
Defendants.)
_____)

CIV. NO. 08-3095-PA

**SUPPLEMENTAL
WITNESS STATEMENT OF
DENISE CURRY, J.D., M.A.**

SUPPLEMENTAL EXPERT WITNESS STATEMENT OF DENISE CURRY

1. I am an employee of the United States Department of Justice, Drug Enforcement Administration (DEA). I currently serve as the Deputy Director of the Office of Diversion Control (OD) in DEA Headquarters in Arlington, Virginia, a position I have held since February 2005.

2. I make the factual statements which follow out of personal knowledge, as well as information made available to me in the course of my official duties.

3. Since the filing of my original Statement, Plaintiffs have submitted a rebuttal statement by Plaintiff Jonathan Goldman. In response to that rebuttal statement and to late discovery requests by the Plaintiffs, DEA retrieved additional investigative records relating to the search of the Goldman/Seligson residence in May 1999 and the controlled substances seized there. I have reviewed these documents, as well as the attached declaration of DEA Special Agent Daniel Lakin, who participated in the May 1999 search and seizure and prepared several of the documents. Nothing in any of these documents changes the reasoning and conclusions expressed in my original Statement.

4. Although S/A Lakin erred in stating the amount of DMT tea seized in terms of gallons, the total amount of the seized DMT tea, as reflected in the Forms DEA-7, Report of Drug Property Collected, Purchased, or Seized, which S/A Lakin had prepared on the same day as the seizure, was still over 250 liters – far more than Plaintiffs could have needed to meet the needs of the forty members of their CHLQ in 1999. I also note with concern that the 80 kilo shipment intercepted by Customs officials in May 1999 was apparently only one such shipment. Customs officials advised DEA in 1999 that Ms. Seligson had previously imported three other shipments and that Plaintiffs may have been importing a shipment each month. The volume of

DMT tea seized and apparently being imported dwarfs the needs of the CHLQ in 1999, as described by Plaintiffs themselves, and therefore suggests the serious possibility of distribution beyond the CHLQ.

5. If anything, my review of the Goldman and Lakin statements and the investigative records *increases* my concerns about the likelihood of diversion from Plaintiffs. In his Supplemental Statement, Jonathan Goldman failed even to acknowledge, much less try to explain, the presence of bufotenine and marijuana in his bedroom.

6. In his supplemental statement, Goldman insisted that the “chapel” in which he stored the DMT tea on behalf of the CHLQ was too small to hold 400 gallons of tea. In fact, as DEA’s contemporaneous records make plain, controlled substances, including multiple packages of the DMT tea, were also seized from the family room, kitchen, laundry room, and master bedroom of his residence.

7. In response to late discovery requests, DEA also produced redacted copies of questionnaires which DEA had sent to individuals who had sought exemptions from the Controlled Substances Act (CSA) on religious grounds. I am informed that Plaintiffs added those documents to their Exhibit List as Plaintiffs’ Exhibits 31 and 41. In my December 1, 2008, statement, I had stated: **Finally, I believe that Plaintiffs’ submissions leave very significant questions unanswered and that these questions could and should be resolved through the administrative process established by Congress and administered by DEA.** The questions which OD posed to the petitioners in Plaintiffs’ Exhibits 31 and 41 provide evidence of the breadth of issues which DEA considers in reviewing petitions for exemption on religious

grounds and exemplify the questions which DEA would have posed to Plaintiffs during the administrative process.

8. The United States Supreme Court issued its decision in *Gonzales v. O Centro Espirita Beneficiente Uniao do Vegetal v. Ashcroft*, 546 U.S. 418, on February 21, 2006. The *UDV* decision construed the Religious Freedom Restoration Act (RFRA) to require federal agencies to apply challenged laws on a case-by-case basis to each individual or group which alleged that its sincere exercise of religion was being substantially burdened. In response to this decision, my staff began, in consultation with agency counsel and our parent agency, the United States Department of Justice (DOJ), to develop procedures by which to provide the required individualized consideration to future requests for religious exemption.

9. As we had anticipated, DEA began to receive various oral and written communications from individuals and groups who asserted a religious right to import and/or controlled substances. DEA developed a standard response to such requests. OD advised each individual or group: "DEA intends to treat your request as a petition for a religious exemption from the CSA. Your letter, however, does not provide enough information to permit full consideration at this time." In the initial response to such requests, OD asked each requester to answer a four-page list of questions which DEA had devised, but which were tailored to each requester. The questions were intended to elicit information about the requester's religious organization, structure, belief system, and use and/or distribution of the controlled substance(s) in question. Plaintiffs' Exhibits 31 and 41 are examples of such initial responses.

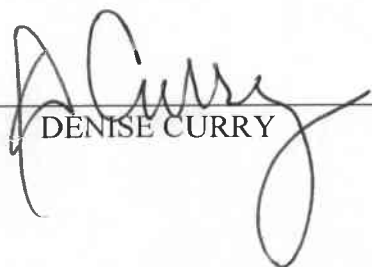
10. As Plaintiffs' Exhibits 31 and 41 demonstrate, DEA routinely asks each requester a series of questions about the group's organizational structure. DEA routinely asks, for example,

the number of branches of the group in the United States and the geographic distribution of its membership. I am informed, however, that, in discovery in this action, Plaintiffs have refused to answer such questions. As I have already explained, the CSA's closed regulatory system provides accountability for controlled substances from the cradle to the grave. It is also intended to ensure that enough controlled substances are available to satisfy legitimate needs, but that no excess is imported or manufactured which could serve the illicit market. Plaintiffs' refusal to answer these standard questions inhibits DEA's ability to quantify the extent of the risk of diversion presented by Plaintiffs' proposed practices.

11. Based on DEA's experience and interactions with petitioners, we have prepared a Guidance Document to assist individuals and groups in presenting petitions to DEA for exemptions on religious grounds. I am pleased to advise that DEA has recently received authorization to post the Guidance Document on DEA's publicly accessible web site. We trust that this measure will facilitate the timely filing and processing of such petitions.

I declare under penalty of perjury that the foregoing statements made by me are true.

Sworn to and subscribed this 16th day of
January 2009 at Arlington, Virginia


DENISE CURRY