



U.S. Department of Justice
Drug Enforcement Administration

www.dea.gov

Washington, D.C. 20537

JAN 29 2007



Dear [REDACTED]

The Drug Enforcement Administration (DEA) has received your letter dated March 24, 2006, in which you request an exemption to allow [REDACTED] to use marijuana as part of their religious practices.

Marijuana is a controlled substance listed in schedule I of the Controlled Substances Act (CSA) and its governing regulations, see 21 U.S.C. § 812(c), schedule I (c)(10); 21 C.F.R. § 1308.11(d)(22). Accordingly, under federal law, marijuana generally may not be manufactured, possessed, or distributed within the United States, 21 U.S.C. §§ 841, 844.

The Religious Freedom Restoration Act (RFRA) provides that the "Government shall not substantially burden a person's exercise of religion" unless the Government can demonstrate "that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest." 42 U.S.C. § 2000bb-1. Therefore, as a preliminary matter under RFRA, you must demonstrate that application of the CSA's prohibitions on marijuana to [REDACTED] would (1) be a substantial burden to (2) its sincere (3) religious exercise. *See Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 126 S.Ct. 1211, 1219 (2006). You should submit as complete a record as possible on each of these points.

DEA intends to treat your request as a petition for a religious exemption from the CSA. Your petition, however, does not provide enough information to permit full consideration at this time. Accordingly, we are requesting more detailed information about, among other things, your religion (its structure, organization and belief system), the specific religious practice that involves the use, possession, or distribution of marijuana, the marijuana that you wish to use, and the conditions of its anticipated use, possession or distribution. Your supplemental submission may include a written statement and supporting documents. This information will be fully considered before a decision is issued on your petition. It must be emphasized that your supplemental

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submission of information cannot guarantee any particular outcome. Your petition, along with other factors — such as DEA's governmental interests in restricting the use, possession, or distribution of marijuana — must be fully evaluated

We offer the following list of questions as guidance on the issues that you may wish to address in your supplemental submission. While a few of these questions may have been addressed in your initial letter, you may take this opportunity to supplement those responses as well.

A. Questions about the [REDACTED] Organization and Structure

1. Please describe the history of [REDACTED] including the date and circumstances of its founding.
2. How many branches of the [REDACTED] exist in the United States?
3. Please describe the number and geographical distribution of the members [REDACTED]
4. What affiliation, if any, does the [REDACTED] have with other religions that use marijuana?
5. What distinguishes the [REDACTED] from these groups?
6. Please describe the qualifications for membership [REDACTED] and any restrictions or formal requirements for membership.
7. How are new members brought into [REDACTED]?
8. Please describe the [REDACTED] structure and hierarchy.
9. Please describe any [REDACTED] gathering places, as well as the frequency with which Church members congregate.

B. Questions about the [REDACTED] Belief System

1. Please describe the ultimate ideas or fundamental questions addressed by the [REDACTED]
2. Please describe the [REDACTED] moral or ethical code.
3. Please describe any [REDACTED] holidays and explain their significance.

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4. Please provide any written documents such as pamphlets, tracts, brochures, articles, by-laws, or points of order that may be of assistance in understanding the teachings and/or theology of the [REDACTED]
5. What are the role and the significance of marijuana use in [REDACTED]? Please provide any available documentation.
6. What are the role and the significance of marijuana distribution, if any, in [REDACTED]? Please provide any available documentation.
7. Is marijuana a sacrament [REDACTED]? If so, what does it represent? Who is permitted to administer the sacrament?

C. Questions about the [REDACTED] Use or Distribution of Marijuana

1. Your request indicates that the [REDACTED] wants to "focus on starting with a limited use of marijuana"? Please describe, in detail, the limited use exemption that you are requesting.
2. Would your "limited use" of marijuana include the distribution of this controlled substance?
3. Please describe in detail the context in which marijuana is used by [REDACTED] members.
4. Please describe all [REDACTED] ceremonies, rituals, services, or other events that involve marijuana, including the frequency of such events. Please provide any available documentation discussing these events.
5. How often do [REDACTED] members use marijuana?
6. How many [REDACTED] members use marijuana as part of their religious practice?
7. What quantity of marijuana is used by each member at one time?
8. Are [REDACTED] members required to use marijuana?
9. Who [REDACTED] is permitted and/or required to use marijuana?
10. May [REDACTED] members abstain entirely from marijuana use? If so, under what circumstances?
11. Do [REDACTED] members have alternatives to marijuana use? If so, under what circumstances? What are those alternatives?

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12. Does the [REDACTED] have a position regarding the use of marijuana outside of [REDACTED] ceremonies, rituals, services, or other events? What is that position?
13. Does the [REDACTED] require use of marijuana be limited to a particular location?
14. Please describe all locations where [REDACTED] members would use marijuana.
15. Do [REDACTED] members intend to use marijuana together at a central location, or do they intend to use it at their individual homes or at other locations?
16. Does [REDACTED] doctrine require or encourage distribution of marijuana to [REDACTED] members or others? Please elaborate and provide any available documentation.
17. What, if any, requirement does the [REDACTED] impose on the activity of members after marijuana use? How are such requirements enforced?
18. What, if any, requirement does the [REDACTED] impose on the activity of members prior to marijuana use? How are such requirements enforced?
19. Are there any restrictions on the use of marijuana among [REDACTED] members? If so, what are these restrictions?
20. Do members of the [REDACTED] share marijuana with non-members? If so, under what circumstances and for what purpose?
21. Is marijuana ever used by [REDACTED] members for medical, rather than religious, purposes?
22. Does the [REDACTED] have a position regarding the use of other controlled substances by its members? If so, what is that position? Is that position enforced in some way with respect to [REDACTED] members? If so, how?
23. Your request indicates that you propose that your members would obtain marijuana from sources in California that are currently used by "medical marijuana" users. Please explain this plan in greater detail.
24. What quantity of marijuana does the [REDACTED] wish to obtain? How frequently do you anticipate that the [REDACTED] would need to obtain this amount?
25. How and where will the [REDACTED] and its members store the marijuana?
26. What security measures will the [REDACTED] or its members employ to prevent the marijuana from being stolen or misused?

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As noted above, DEA believes that supplementation is required before a decision can be made on your petition. These questions are only for your guidance, and if you choose to submit additional information, you should not consider yourself to be limited to these questions. Please provide any and all information that you believe would be helpful.

Sincerely,



Joseph T. Rannazzisi
Deputy Assistant Administrator
Office of Diversion Control