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Why Was Taita Juan Released?

Colombian Shaman Deported after Ayahuasca Charges Dropped

by **Beatriz Caiuby Labate and Gayle**

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On Tuesday, October 19, 2010, while en route to Oregon to offer ayahuasca ceremonies, Kametsa traditional healer and Colombian national Taita Juan Bautista Agreda Chindoy was detained at Houston International Airport, in Texas. His baggage was searched and he was formally arrested by Immigration and Customs Enforcement (ICE) for possession of ayahuasca (yage). The substance was seized and analyzed, and he was charged with possession with intent to distribute a Schedule 1 drug, facing up to 20 years in federal prison.

The news spread quickly to the international ayahuasca community. Within ten days of his arrest, fourteen thousand dollars in donations were raised for his defense,¹ and a strong legal team assembled, including Nancy Hollander, the lawyer who argued the [successful freedom-of-religion UDV case](#) before the US Supreme Court.

Less than a month after his arrest, on November 16, Taita Juan was released. Once again, the news spread instantly through the internet. The ayahuasca community was overjoyed with a sense of relief and justice. Back at home, Taita Juan was interviewed by the Colombia media.² But few details about what happened were actually released and people did not seem to care much more about it. We tried to learn more.

A member of Taita Juan's defense committee told us, "The fact that Taita Juan was released was in large part due to the robust legal team that he had behind him. Without this I believe he could still be detained. The prosecutor made it very clear that if Taita Juan was not who he was, then he would be fully prosecuting the case."

Was the decision to release Taita Juan an admittance that a case like his would probably win in court? Or is this too much optimism? Or is it that the government decided not to open the case because by sending Taita Juan back, they give a message -- in an inexpensive, clear and simple way -- that those practices are not welcomed in the United States? The fact is that the case of Taita Juan could have been a test case in several ways, and raises many questions for speculation.

In the United States, religion is protected by the First Amendment of the Constitution, and, under certain circumstances, religious freedom exemptions may be gained from otherwise generally applicable laws, such as drug control laws. So far, there have been no US legal cases that establish whether "shamanism" is a religion or not under the law. The big anthropological and political challenge would be to judge whether the yage use in the context of indigenous traditional medicine could be classified as "religion", and therefore an exemption requested.

According to a member of Taita Juan's defense committee, "The prosecutor dropped the charges because the lawyers presented convincing evidence that the possession of ayahuasca by Taita Juan fell under religious purposes." We have seen the list of anthropological sources offered as evidence that the Kametsa use of ayahuasca was religious, and it was not very extensive. It seems that the discussion did not need to go far to establish that the use of yage fell under "religious use", or rather, this discussion was really not pursued at this point. So could Taita Juan have won his case under a religious freedom exemption? If so, what would have been the implications of that?

Since he was intending to serve non-Indian people in ceremony, would a victory by Taita Juan have established that non-

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indigenous people also have the legal right to drink ayahuasca in a ceremonial setting? Could a victory by Taita Juan have established that "shamanism" is a "religion" under the law? If so, what then might have been the implications of such a precedent for non-indigenous leaders of shamanic sessions?

Another complex topic relates to the protection of Native American rights and special dispensations for Native Americans in the United States (including their religious expression). Independent of the religious use argument, how does Taita Juan's identity as an indigenous Colombian healer relate to the legal discussion around ayahuasca shamanism in the US?

Taita Juan's release from jail was a victory in human terms, especially under the conditions of the "drug war". But it is also important to remember that he was deported and forbidden to return to the United States for at least five years and his yage was not returned to him.

Since the charges were dropped and there was no trial, Taita Juan's case set no precedents. A precedent is set only when a judge decides a case and issues a court opinion. So the question of whether an indigenous shaman can lead ayahuasca ceremonies in the United States is still open, and the big questions remain.

Links #

- [¿Porqué fue liberado Taita Juan?](#) [Spanish translation of this article] Vision Chamanica, Jun 17 2011

Notes #

1. <http://www.freetaitajuan.org>
2. [Habla el taita liberado tras estar detenido en EE.UU. por portar Yagé](#) [Released Taita speaks after being held in US for carrying Yagé] - El Tiempo, Nov 18 2010.

Revision History #

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