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The Extraordinary Case of the United States Versus the União do Vegetal Church

Jeffrey Bronfman

THE BACKGROUND OF THE CASE AGAINST THE U.S. GOVERNMENT

As has been established earlier in this book, the União do Vegetal Church (UDV) is a structured religion protected by Brazilian law, founded by Brazilian rubber trapper Jose Gabriel Da Costa in 1961; it has more than ten thousand adherents in Brazil. Jeffrey Bronfman and others founded an American branch of the UDV in 1993 in Santa Fe, N.M. In 1999 customs agents seized an incoming shipment of

hoasca and threatened Bronfman with prosecution under the Controlled Substances Act. Bronfman and several other members of the UDV successfully invoked the Religious Freedom Restoration Act in the 10th Circuit. The 10th Circuit Court identified the UDV as “a syncretic religion of Christian theology and indigenous South American beliefs” and stated: “The sincerity of the faithful is uncontested.” The government then petitioned to the Supreme Court for a reversal of the lower court’s ruling, citing potential “irreparable harm on international cooperation in combating transnational narcotics trafficking.”

The Supreme Court then had to determine whether there was a “compelling governmental interest” in forbidding the use of hoasca tea (a bitter liquid derivative of two Amazonian plants: an Amazonian vine and the leaves of a small tree) which the U.S. Government had asserted should be treated as a domestically and internationally prohibited substance or whether First Amendment rights protect such use in some cases.

Jeffrey Bronfman: Plants have been used as tools for gaining awareness of the spiritual dimension of life for tens of thousands of years. They have played a fundamental part in the religious history of humanity. I am a member of a contemporary church called the União do Vegetal, which began in Brazil and continues this noble tradition of using sacred plants in a religious context. A few years ago the government of the United States took legal action against the religion that I practice by initiating a legal process against me. I was threatened with years in prison if I continued to practice my religious faith.

I and some other church members met with representatives of the Department of Justice to try to help them understand the significance of the sacred tea we use in our religious practice. We brought in a group of experts to give presentations. Among them were scientists, doctors, anthropologists, and members of the UDV. The deeply respected and widely celebrated author Huston Smith—one of the world’s foremost experts on the planet’s great variety of religious tra-

ditions, with a very long lifetime of research and experience—came and explained that the use of sacred plants within the context of spiritual and religious experience was common on every continent. Right here in North America, for example, in northern Mexico, peyote has been used for many hundreds of years. In other parts of Mexico, sacred mushrooms were central to spiritual life.

An anthropologist was included in our group who spoke before the Justice Department. He explained to them that, in ancient Greece, a plant-based sacred tea was central to the cult that worshipped Demeter at Eleusis; this was one of the most important spiritual rites of antiquity. This practice endured for almost a thousand years and nearly all of the leading figures of Greek civilization took part in it. The idea of drawing intelligent inspiration—in the form of visions from communion with the plant realm—was therefore a totally accepted part of the civilization that our Western tradition is founded upon.

Despite our best efforts, however, we were unable to negotiate any agreement with the Justice Department's representatives that would have accommodated our religious practice. After eighteen months of almost weekly contact with the U.S. Attorney's office we filed a lawsuit in Federal District Court against the U.S. Customs Service, the Department of Justice, and the Drug Enforcement Agency who were all continuing to consider our religious practice a criminal activity. Their position was that our religious use of hoasca violated both domestic and international drug control laws. As a result of initiating this legal action, we had to get very involved in a heightened study of national and international laws on religious freedom and plant medicines and materials.

A key issue was the historical foundation for the notion of religious freedom in United States law. The founding fathers studied systems of social organization around the world to develop a system of government that gave the greatest possibility for human advancement and freedom. They tried to identify those elements that helped

societies prosper and those that complicated and inhibited human success and happiness. One of the most important areas of their concern was the relationship between the state and religion. They observed that where people were allowed to freely exercise their religion and approach the magnificence of life without any restrictions or controls by the state, societies tended to prosper.

They decided that the government should make no law establishing religion, that the state should not become involved in sanctioning religion, and that the state should not prohibit, in any way, the free exercise of religion. This is fundamental to the design and architecture of our country. James Madison, who wrote the language of the First Amendment to the Constitution that included free exercise of religion, wrote that when government begins to interfere with the religious freedom of its citizens, it is the beginning of tyranny.

We also did extensive research on the history of plant use for spiritual purposes in this country. We discovered, for example, that at the time of the founding of the country, a tribe of Indians in Delaware was known to drink a tea made of purgative plants. They drank this tea to vomit and cleanse themselves because they believed that their contact with European society was corrupting their souls and spirits. In general, however, sacred plant use in this country has usually happened in secret, in very quiet and discreet ways, because it's not a practice that was commonly accepted by the larger community.

One notable exception to that has been the use of peyote within the Native American Church. Peyote is a cactus that grows in a very small part of Texas and in the northern part of Mexico and, as I mentioned, it has an indigenous tradition of use going back many centuries in northern Mexico. It came to this country and began to be used by Indians in the Southwest in the late 1800s.

In the early 1900s, the pan-tribal Native American Church, which gave a formal religious context to the use of this traditional plant medicine, was founded, and despite a number of legal threats over time as the church grew, its members were able to continue

this religious practice, and laws were eventually passed that officially allowed it. When the current version of the Controlled Substances Act, for example, was written, an exemption for the use of peyote within the religious ceremonies of the Native American Church was included. This established a legal precedent for the legitimate religious use of an otherwise controlled substance.

In around 1965 a group of people in New Mexico founded the Church of the Awakening, which employed many different practices, including meditation, fasting, and prayer. They also used peyote in some of their ceremonies, and they applied for recognition by the government in order to be able to legally practice their religious faith, but their application was denied. The government asserted at the time that the substance was untested and might not be safe. This was a bit odd since for decades the government had allowed Native Americans to use peyote. Logically, I suppose, they were in effect admitting they didn't care about the potential health risks to Indians (or didn't really believe the health risk was real).

The problem of what to do when individuals or groups demand to be able to obey their religious beliefs when those beliefs go against the law is something the courts have had to wrestle with throughout our history. Cases against some Mormons who claimed that polygamy was a part of their religion are a well-known example. In that case, the courts ruled that since one could be a Mormon without being a practicing polygamist (the modern Mormon Church now forbids it), polygamy was not essential to Mormonism and could be outlawed without impinging on religious freedom. So the issue of how central to a religion a practice was became one important factor.

Eventually, over time, a body of law about when the government could legitimately interfere with the religious practice of its citizens developed. That standard was defined by a two-fold test: the first element was that the government had to demonstrate that it had a *compelling interest* in interfering with a person's religious practice. In the case of polygamy, for example, the government argued there was

an interest in preserving the nuclear family.

The nuclear family, it was argued, was the foundation of an organized society, and if polygamy were allowed, it would lead to an undermining of the social fabric. An undermining of the social fabric could not be allowed: this was the government's compelling interest. The second element of this test was that in this attempt to balance the government interest in maintaining social order, with personal freedom, when the government became involved in curtailing people's religious freedom, it had to do so with the least restrictive means possible.

In 1990, a case related to the use of peyote within the Native American Church came before the U.S. Supreme Court. Although this case didn't directly relate to the use of the sacrament, the court used it as an opportunity to completely redefine the law as it related to religious freedom.

An Indian by the name of Al Smith worked in a drug treatment center and was a member of the Native American Church. Smith was told by his boss—a practitioner philosophically aligned with the twelve-step program who believed that the use of any substance was contrary to sobriety—that if he, Smith, wanted to continue his counseling work at the drug treatment center he would have to quit the Native American Church. Smith refused and was fired. He sued, and the case ultimately made its way to the Supreme Court.

There's a book called *To An Unknown God*, which documents the story of this case (Al Smith versus the Oregon Employment Division) and its magnitude and significance. The Supreme Court's ruling in this case changed the previous standards about the authority of the state in religious liberty cases. The Supreme Court ruled that if a law is generally applicable (i.e., it applies to everybody), and it's neutral in that it's not targeting religion specifically, then that law is valid. If that law has the unintended consequence of harming people's religious faith, so be it.

The Court essentially said that the previous degree of religious

freedom was a luxury that our democracy could no longer afford. Justice Scalia wrote the opinion and was joined by four other justices. I believe that it was a five to four decision. The late justice Harry Blackmun wrote the minority dissent, which read:

This Court's decision effectuates a wholesale overturning of settled law concerning the religion clauses of our Constitution. One hopes that the Court is aware of the consequences and that its result is not the product of overreaction to the serious problems the country's drug crisis has generated. This distorted view of our precedents leads the majority to conclude that the strict scrutiny of a state law burdening the free exercise of religion is a luxury that a well-ordered society cannot afford, and that the repression of minority religions is an unavoidable consequence of democratic government. I do not believe the founders thought their dearly bought freedom from religious persecution a luxury, but an essential element of liberty and could not have thought religious intolerance unavoidable, for they drafted the religion clauses precisely to avoid that intolerance.

But the Court's opinion was written in such a way that it left open the possibility that Congress could legislate more stringent religious protections even if the Court wasn't willing to concede these protections necessarily existed within the Constitution. And Congress did in fact pass a piece of legislation in 1994 called the Religious Freedom Restoration Act. This Act was passed by unanimous voice vote in the House of Representatives and by ninety-seven to three in the Senate. And it is thanks to this law that we appear to have gained a victory in our legal case against the government of the United States.

Prior to this law being passed, there was a case in New Mexico in which a man named Bob Boyle, a non-Indian member of the Native American Church, was arrested for sending a shipment of peyote from Mexico to himself in New Mexico. The presiding judge, a per-

ceptive and courageous man, now deceased, wrote a scathing opinion that rebuffed the government's attempt to prosecute this man. He wrote:

The government's war on drugs has become a wildfire that threatens to consume those fundamental rights of the individual deliberately enshrined in our Constitution. Ironically, as we celebrate the two-hundredth anniversary of the Bill of Rights, the tattered Fourth Amendment right to be free from unreasonable searches and seizures and the now frail Fifth Amendment right against self-incrimination or deprivation of liberty without due process have fallen as casualties in this war on drugs. It was naïve of this court to hope that this erosion of the constitutional protections would stop at the Fourth and Fifth Amendments, but today the war targets one of the most deeply held fundamental rights—the First Amendment right to freely exercise one's religion.

One of the consequences of the privatization of prisons in the last two decades is that there is now a large and influential private business whose commodity is incarcerated human life. Like any business, it wants to be a growth industry and, with violent crime on the decline, non-violent, non-dangerous drug users are a key to the steady flow of bodies to incarcerate. So the pressure to keep locking up more and more people in the name of protecting our society from dangerous drugs is very high. And while there certainly are some substances that are dangerous, clearly the way to heal society from their use is not through the massive incarceration of non-violent users. For substances that are not dangerous at all, or, like the ones we use in our religious practice, that are actually of potential benefit to individual health and consciousness, it is particularly insane.

What we have taken a stand for is the right to be able to receive nature's gifts from her and to use them in a disciplined, safe, struc-

tered, reverential, and sacred way. For more than forty years this has been the case in modern Brazil, and it has also been the case in the Amazon region through the centuries. The people I met in Brazil who had been drinking this hoasca tea for twenty, thirty, forty years, were lucid, open-hearted, humble, and gentle. They had wisdom to share and healthy families with children whose eyes sparkled with happiness and peace. Our government has taken a position of prohibiting the use of a substance that actually seems to provide great social benefits to its ceremonial users.

Another significant case involving religious freedom and plants involved an individual who wanted to create a church built around the use of marijuana. The case, which was decided in the 10th Circuit, Wyoming District Court, wrestled with how to define what a religion really is and what criteria to use to determine when someone is legitimately involved in a religious practice (as opposed to trying to claim a religious exemption when in reality someone is just trying to use religion as a cover).

The court decided that a religion has to have teachings that embody ultimate ideas about life, an understanding of cosmology, a way of relating to the world, metaphysical beliefs, a sense of transcendence, a sense that there is something beyond the physical or the mundane world, and some element of a higher power (not necessarily a God: they were very careful to not define specifically what people had to believe). There needed to be a moral or an ethical system, a code of conduct of how to live in the world in terms of practicing virtues. The judges said these are elements that are common to all recognized religious systems. It wasn't merely enough to say, for example: "We worship the marijuana plant and our practice is to smoke it all day long," which seemed to be the case in this particular instance. The judges ruled that there needed to be a more comprehensive body of belief in order for it to meet the legal standard of what constituted religion.

The court also said that one invariably finds certain accoutre-

ments within authentic religious communities, and they listed them. These included: a founder or leader or prophet or teacher, someone who brought a message of wisdom or knowledge of life to humanity to begin the tradition; recorded writings that constitute the core principles or teachings of the faith; gathering places and set times where typically the community of believers meets to conduct rituals; keepers of knowledge, people who are trained to transmit the teachings; specific ceremonies and rituals; a body of laws and behaviors; days of special significance that are unique to that tradition; and often specific dietary rules.

Every one of these elements is present in the UDV. It has a master, a teacher who brought forth this way of gaining the knowledge of the divine. He was a rubber-tapper who encountered this practice of using hoasca as a sacrament in the rainforest in the north of Brazil. There are laws and writings that are read at the beginning of each one of our rituals. There are temples that have been constructed in over one hundred places all over Brazil where communities of one hundred and fifty to three hundred people gather regularly to participate in ritual.

There's a trained priesthood—a group of *mestres* who have the knowledge of the spiritual tradition and who transmit those teachings. There is a very defined structure in terms of how the sessions are conducted and how the teachings are transmitted. There are holidays at which we gather for the purposes of remembering events that happened in the establishment of our religion. We certainly meet all the criteria described by this ruling of the Wyoming District Court.

In Portuguese, União do Vegetal literally means “the union of the plants.” There are two Amazonian plants that are brewed together to create the sacred tea we use in our religious ceremonies. One is a vine (*Banisteriopsis caapi*) and the other is a leaf from a small bush (*Psychotria viridis*). On one level the name União do Vegetal describes the union of these two plants to make our sacrament, but it also describes other “unions”: achieving a state of union with the sa-

cred through the plants, the union of community, the union of our human consciousness with this gift from the natural world, and the union of human beings with nature.

These are all elements in the União do Vegetal's teachings. For us, the full realization of our potential begins by acknowledging that nature is sacred, and as we humans recognize that and become instruments for the expression of divine nature, we realize that we too are part of nature and sacred.

The story of the history of the origin of our sacred tea, according to the teachings of the UDV, has been a guarded secret for generations. On certain occasions it is told within our rituals. It is said that it goes back thousands of years, before the early beginnings of the Inca Empire, and that the knowledge of these two plants, how to combine them and how to use them in ritual, spread throughout the Amazon forest. Today there are still many tribes that retain this knowledge—or elements of it. In the late 1930s and 1940s, as the war generated a large demand for rubber, thousands of men from all over Brazil came to work in rubber plantations in the Amazon, and a number of them learned the use of the tea from the Indians.

One of these was José Gabriel da Costa, who we speak of as Mr. Gabriel. He is the founder of our tradition, which is now in one hundred cities, villages, and regions all over Brazil, and has now spread to the United States as well as a few countries in Europe.

These rubber-tappers lived under conditions of near slavery, getting up at two o'clock or three o'clock in the morning and working all day for almost no pay. They would walk through the forest gathering the sap that dripped from the rubber trees (before rubber was synthesized, this was the only way it was manufactured). The world military industrial complex at the time was dependent upon this terrible slavery, but at least some good indirectly came of it: Mestre Gabriel encountered the use of this sacred tea, and he began gathering disciples and revealing the mysteries of nature to them through the tea, and he founded a temple. Today there are União do Vegetal temples

in more than one hundred places around Brazil.

In UDV ceremonies several hundred people in a community come together to prepare the tea, working day and night in a climate of love, peace, and harmony. Our understanding is that everything that goes on in the preparation of the tea is recorded within the tea. Since we use the tea as a tool for spiritual illumination and bringing peace, wisdom, and understanding into our consciousness, it has to be prepared in an atmosphere that reflects that. The plants are boiled in the essence of life—water—into which they release their mysteries, knowledge, and wisdom.

The UDV came to the United States in 1987 after an American physician and his companion (who were traveling in the Amazon to help bring medicine to forest peoples) encountered the UDV. They were deeply impressed and asked the UDV to send two teachers to the United States, and the church hierarchy agreed. In 1990 I made my first trip to Brazil and I worked with a few other people to start to bring more UDV *mestres* from Brazil to begin to hold ceremonies in this country.

We officially incorporated as a church in New Mexico in May 1993, after the Religious Freedom Restoration Act became law. For six years we had regular sessions and meetings, and the UDV expanded into a number of different cities in this country. In May of 1999 agents of the U.S. Customs Service and the FBI came to my office doing what they called a “controlled drop.” They delivered a shipment of our sacrament that was sent to us from Brazil and, after I accepted and signed for the delivery, a SWAT team of twenty to thirty armed agents with dogs came in.

They stayed for about eight hours, took all of my computers, personal records and forty-thousand documents from my office, and began an investigation of the UDV in this country. They sent agents out to five states to see if they could gather information they could use against us in a criminal case. They convened a grand jury. We ultimately filed our own lawsuit against them after eighteen months of

trying to negotiate an understanding with the representatives from the Department of Justice. They showed absolutely no interest at all in working out some kind of agreement with us, so the only option we had was to sue them.

Our lawsuit was very carefully prepared. It was something I had long been thinking we might have to deal with. The Department of Justice put together a team of forty lawyers to handle our complaint, from their criminal, civil, constitutional, international law, and public health divisions, the Food and Drug Administration and the Drug Enforcement Agency (DEA), and all this for a church with maybe some 120 peace-loving members in the whole country! We had two lawyers—Nancy Hollander and John Boyd—part of a small law firm in Albuquerque. Fortunately for us they're deeply committed and really good lawyers.

We filed our complaint (with the Department of Justice), based on constitutional law and the principle of religious freedom, on rigorous studies that proved the medical safety of our sacrament, and especially on the Religious Freedom Restoration Act. We accused the government of violating our First Amendment, Fourth Amendment, and Fifth Amendment rights, with unreasonable search and seizure, with denial of due process for confiscating our religious sacrament and refusing to return it despite repeated attempts, and with violation of the Equal Protection Clause of the Constitution.

We filed this last part of the complaint because there's another religion in this country (the Native American Church) that was granted the right to use an otherwise controlled substance within their religious ceremonies, which has not been interfered with by the government for decades. We felt *that* established a significant legal precedent that required the court to give very serious consideration to our religious use of our sacrament as well.

Our sacrament is considered to be a controlled substance because it contains small amounts of molecules of dimethyltryptamine, a substance that's actually produced in the human brain. It's part of

our nature. The government's claim that this substance, naturally found within all humans, is somehow the equivalent of heroin or crack cocaine is absurd. It is our view that every element in our sacramental tea is, in fact, part of our nature. When you drink it you're not receiving something foreign into your body. Rather you're synergizing your own nature so that you see, hear, feel, and think more clearly.

Besides U.S. law there's also a body of international law that affirms the right of people to practice their religion freely without interference from the state. As a result, we brought several U.N. declarations into our case (which is why some of the forty lawyers involved were from the international division—they had to deal with the fact that we were claiming the U.S. Government had violated these treaties). It also got very technical, as the law usually does. We brought up the improper application of the Administrative Procedures Act in their confiscation of the tea. We requested a court order from a federal judge stating that the government was no longer permitted to interfere with our religious practice and that they had to return the tea and order the Customs Service and the DEA to allow our shipments of tea to enter the country.

The government's response was that "surely neither the Controlled Substances Act nor the Religious Freedom Restoration Act required the government to wait until it had 'a full-blown drug epidemic' on its hands before it attempted to stem the tide of usage." They argued it was the government's responsibility to protect the public health, and insufficient studies had been done—there might be dangers associated with this tea. The fact that it's been used for centuries within the Amazon and for decades within modern Brazilian society, and that there were organized communities of urban, sophisticated people who had been consuming it for forty years with no adverse effects and that there had, in fact, been good studies showing its harmlessness didn't seem to matter to them.

It's instructive to compare their attitude to that of the Brazilian government. When the Brazilian authorities became aware of the

growing use of hoasca in their country in religious rituals, they sent a commission of doctors, psychologists, theologians, and public policy people to interview the people using the tea to find out what the effect was on their lives. Some of the commission members even tried the tea. As a result of their report, hoasca was formally legalized for use in religious rituals in Brazil in 1992.

The U.S. government lawyers desperately searched for and came up with as many arguments as they could muster. Most were obvious, and we were prepared to counter them, but some caught us off guard. One of the most initially problematic arguments for us was that the United States had a responsibility to honor its treaty responsibilities, and apparently the United States was a signatory to a 1971 treaty called the International Convention on Psychotropic Substances that (at least the Government claimed) made illegal the use of dimethyltryptamine in any form.

This argument is deeply ironic, in that this case deals with knowledge originating with a millennial history among indigenous people, and the U.S.'s record of honoring treaties is far from stellar. That's especially true for treaties with Indian nations, which were routinely flouted and violated throughout our history.

But this was a difficult wrinkle in the case. When I went to the website of the National Narcotics Control Board and had my first look at this treaty, it appeared, on its face, that we had come up against a barrier that was going to be very difficult to get through. We contacted an expert in treaty law, who explained to us that all treaties have a record of commentary attached to them that is the equivalent of the congressional record of how a law is formed. Often the law says one thing at first glance, but if you study the congressional debate that lead to the passage of the law, you might see its intention in a different light. He explained that in the commentary to this treaty there might be grounds for legal protection in our case.

We looked for a complete copy of this treaty, one that would contain the commentary which might prove useful to us. We searched far

and wide—in New York, in Washington, D.C. Nothing. We ended up having to send somebody to Austria, where there’s a library of international agreements, to finally get a complete copy of this convention. I spent hours looking through it to find something. One night, going through line after line after line, I came across this paragraph:

Schedule One of the treaty does not list any of the natural hallucinogenic material in question but only chemical substances which constitute the active principles contained in them. Neither the crown, fruit, button of the peyote cactus . . . nor psilocybe mushrooms themselves are included in Schedule One, but only their respective active principles—mescaline, DMT, and psilocybin.

Later I found another section that clearly stated that the treaty did not intend to target historical use of plant materials within ceremonies of magical and religious rights by clearly defined groups. Even with the hysteria of that era surrounding the spread of psychoactive substances (as this international law was drawn up in 1971), the signatories recognized legitimate use within magical and religious rights by clearly defined groups of people where there had been a history of that use. So much for the government’s supposed treaty obligation.

The government’s case at its core, in the end, was based on three compelling interests: the treaty I just discussed, public health, and the risk of diversion of our sacrament outside of its religious context. Their arguments about health risks were weak. We offered in evidence a 1992 study by an international consortium of scientists, botanists, biologists, chemists, and psychiatrists who came to the UDV to study our sacrament, and published their results in several medical journals. They found no health problems associated with hoasca use among UDV members. And this was the only U.S.-based study done to this point, so there weren’t any competing studies that showed any harm the government could invoke.

The second issue was the risk of diversion of our sacrament outside of its religious context. We had a former Justice Department official from the Criminal Division's Narcotic and Dangerous Drug Section testify on our behalf. When asked to evaluate the risk of our sacrament being stolen out of its religious context and abused recreationally outside of the UDV, he said, "people who are hungry are not going to break into a Catholic church and steal communion wafer for food. If they want to steal bread, there are far larger lots of bread to be found in other places."

The foundation of our argument, in terms of the risk of diversion, was that there were so many other ways that people who are looking to get high could get high, the likelihood of thieves seeking out relatively small amounts of an exotic tea—which is very unpleasant tasting and hard to prepare and make use of properly without expert guidance—is exceedingly low. The truth is that if you use this sacrament outside of the context it's meant to be used in, it's not going to be fun.

Finally, on August 12, 2002, Judge Parker, the Chief Justice of the Federal District of New Mexico, issued his ruling. It said that the government had not shown that applying the Controlled Substance Act's prohibition on DMT to the UDV's use of hoasca furthered a compelling interest, that the government had not proven that hoasca posed a serious health risk to UDV members who drink the tea in a ceremonial setting, and had not proven the risk of any significant diversion of the substance to non-religious use.

AN UPDATE ON THE UDV CASE

Jeffrey Bronfman's presentation above took place in October 2004. As developments occurred in the case, we asked him for updates. The first update came in November 2005; the second on February 21, 2006, when the U.S. Supreme Court issued its ruling:

On November 1, 2005, the United States Supreme Court heard Oral Arguments on the U.S. government's appeal of the preliminary injunction that had been granted to the UDV in December of 2002. The injunction prohibited the U.S. government and its agents from interfering with the UDV's importation, distribution, and ceremonial use of its religious sacrament.

The government's appeal of this order was its third, having already unsuccessfully appealed the Federal District Court's decision to the 10th Circuit Court of Appeals twice before. Some Supreme Court analysts and legal scholars considered this case the most important religious freedom case the Court has accepted in decades; others since the Continental Congresses that led to creation adoption of the U.S. Constitution more than two hundred years ago.

In support of the UDV's petition for religious liberty and tolerance of its central, but not well understood religious practice, dozens of religious and civil liberties organizations independently authored or signed legal briefs submitted to the U.S. Supreme Court. These organization included The Catholic Bishops of North America, The Joint Baptist Committee, The National Council of Evangelical Christians, The Presbyterian Church of The United States, The American Civil Liberties Union, and The American Jewish Congress.

THE FINAL OUTCOME

On the morning of February 21, 2006, the Supreme Court of the United States published a unanimous ruling in favor of the UDV and its religious use of its sacrament hoasca. A website containing a detailed analysis of the legal action brought by the church, containing all of the different court decisions, was established on the Internet at www.udvusa.com.

Editor's Note:

The outcome of this extraordinary, historic case, widely viewed as the most significant Supreme Court ruling to date on the thirteen-year-old Religious Freedom Restoration Act (which places a very high burden on the government in seeking to restrict religious observance) does not, of course, sanction shamanic plant use outside of the specific confines of UDV religious practice. However, it is clearly of enormous significance for anyone with a deep respect for the potential “entheogenic” properties of certain plants with a long history of sacred use.

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