

1 MR. ROBERT: No, Your Honor.

2 MS. GOULD: No, Your Honor.

3 THE COURT: All right. Thank you for your  
4 testimony.

5 May this witness be excused?

6 MR. ROBERT: Yes, Your Honor.

7 MS. GOULD: Yes, Your Honor.

8 THE COURT: Thank you for your testimony, Miss  
9 Dibble. And thank you, Miss Robbins.

10 MS. ROBBINS: Thank you.

11 THE COURT: You may call your next witness.

12 MR. ROBERT: Danuel Quaintance, Your Honor.

13 THE COURT: Mr. Quaintance, please come forward and  
14 be sworn.

15 DANUEL QUAINANCE

16 after having been first duly sworn under oath,  
17 was questioned and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. ROBERT:

20 Q. Tell us your name, please.

21 A. Daniel Quaintance.

22 Q. Mr. Quaintance, where do you live?

23 A. Pima, Arizona.

24 Q. You're the, you're one of the defendant's in this  
25 case; is that right?

1 A. Yes, sir.

2 Q. What do you do for a living?

3 A. I am on SSDI I.

4 Q. And that's Social Security disability income?

5 A. Yes, sir.

6 Q. How long have you been on SSDI?

7 A. Since about '91, '91.

8 Q. Tell us what the nature of your disability is?

9 A. I have chronic pancreatitis.

10 Q. Was that diagnosed by a medical doctor?

11 A. Yes, sir.

12 Q. And, again, I'm sorry, just to be clear, when was  
13 that diagnosis made initially?

14 A. I was in -- well, I had to quit working in September  
15 of '90, I believe it was. It didn't finally get diagnosed  
16 until about '92 or '3 probably.

17 Q. All right. Tell us a little bit about your  
18 educational background?

19 A. I completed high school. I went through -- junior  
20 high and on up or --

21 Q. Just did you graduate from high school?

22 A. Yes, I graduated high school. I was actually going  
23 to, about to drop out in the eleventh grade. I didn't have  
24 very good attendance. And that summer is like the first time  
25 I was actually introduced to marijuana, and it was just

1 something new there for me that gave me some inspiration, that  
2 my senior year, when the school season began the next year I  
3 went and I signed up for day school and night school, and I  
4 held a job at a drive-in. I completed and graduated with my  
5 class that I would have graduated with normally.

6 Q. So let me understand, during your junior year did you  
7 basically drop out?

8 A. Yeah, I went probably 15 days of the whole year, and  
9 that probably wasn't that many hours during those days.

10 Q. And you indicated that you had an experience with  
11 marijuana which led to your finishing all that work on time to  
12 graduated on time?

13 A. It gave me focus.

14 Q. Okay.

15 A. And then I went in the service, and while I was in  
16 the service I had 36 weeks of training and mixed multiplex  
17 equipment, which is multiplexing 600 telephone conversations  
18 on one microwave frequency. And from there I received some  
19 chemical warfare equipment training through chemical,  
20 biological, nuclear --

21 Q. What branch of the service were you in?

22 A. I was in the Army Chemical Corps. And that, during  
23 the training we were exposed to radiation and used dosimeter  
24 to find hot spots, counter outs, and come back. And,  
25 basically, if our patch was enough color, then we had found

1 the hot spot.

2 And we worked in fatigues, regular fatigues, and  
3 decontamination of ponchos and gas masks. So we received a  
4 pretty good exposure to Agent Orange, because we were doing  
5 decontamination. I was in Germany, where we were  
6 decontamination equipment from Nam.

7 Q. During what years were you doing this kind of work?

8 A. From '70 to the end of '72.

9 Q. All right. And during what years was your service?

10 A. '70 to '72.

11 Q. Okay. So you were in for two years?

12 A. Yes.

13 Q. Or three?

14 A. Two years. '70, I went in early in '70 and got out  
15 in the late part of '72.

16 Q. All right. During the time in your service were you  
17 using marijuana?

18 A. I had a bit. When I was in Germany there was a lot  
19 of hashishes from the different countries. I was quite  
20 familiar with the varieties of Afghanistan, which is a black  
21 hashish, kind of a religious thing over there. You could tell  
22 it was black Afghanistan. But you would have an elephant gold  
23 seal stamped into the patty, or whatever. It was about 10  
24 cents a gram. Blond Lebanonese.

25 Q. You said just a moment ago religious, and I want to

1 go back to your initial experience that you described for the  
2 Court. Was your initial experience something that caused you  
3 to come to any philosophical conclusions about marijuana?

4 A. Whenever, I actually have come and gone through  
5 cannabis several times. And my eleventh grade I was a little,  
6 you know, drinking alcohol and stuff too by that time, and  
7 that is what probably got me out of focus there. And cannabis  
8 helped bring me back in focus. And when I was like out of  
9 focus there in Germany for a while, and cannabis helped bring  
10 me back in again. And I was just, you know, never a party  
11 thing, with me it was more of a solitude thing. You would  
12 smoke it, you achieve a different state of feeling. It's a  
13 comfort that comes over you, you know, it's not a high-type of  
14 a feeling in my mind. I have never experienced what people  
15 would call a high, I guess stoned, where you just wanted to  
16 kick back and zombi out, or whatever. I get active and my  
17 mind becomes creative and see things basically.

18 Q. All right.

19 THE COURT: Could you speak into the microphone a  
20 little more, Mr. Quaintance? I'm having difficulty hearing  
21 you? Thank you.

22 Q. This is during a time when a lot of people were  
23 probably experimenting with cannabis, but you were, and most  
24 of them were doing it probably for entertainment or  
25 recreation?

1       A.    I can possibly be considered in that category as  
2 well, at that time in my earlier days. But I mean, to me,  
3 now, I've learned a much greater level of that, that, in fact,  
4 actually I believe cannabis itself is the converter. That  
5 it's -- a lot of people don't recognize that, but it is kind  
6 of a religious thing that happens in the Zoroastrian  
7 teachings, that cannabis is the teacher. And it's the feeling  
8 that comes over you and it makes you, it causes you -- in  
9 fact, there's a verse that it asked nobody questions but it  
10 questions direct, and which means it makes you ponder the  
11 thought to seek your own answers.

12       Q.    Okay. Well, let's carry this through, at least as  
13 far as we can chronologically. And now you're in Germany and  
14 it's a time in which you're probably -- you haven't found  
15 those things, you haven't --

16       A.    I never recognized that I had those things yet.

17       Q.    All right. Hadn't done the research yet?

18       A.    I hadn't done any research at all.

19       Q.    But you felt that there was something there?

20       A.    Oh, I've always felt there was.

21       Q.    What -- how did you take that from where you were  
22 then, in the early '70s, to the next step when you began to  
23 research some of the historical foundations of where you are  
24 now?

25       A.    Well, it wasn't really until the '90s when I, 1991 or

1 so when I had -- in '84 I had a pancreatic shutdown, and I  
2 used it probably medicinally more so than anything. At that  
3 time I still hadn't had a profound vision. I went back to  
4 work. And then in '90 I had a pancreatic major attack, and  
5 that's when I had to quit working. And I was laying on the  
6 couch, praying for an end, it was just so miserable, intense  
7 pains that I was going through. And I would wake up in the  
8 middle of the night and I would have verses and books of the  
9 Bible --

10 Q. I'm sorry, go ahead.

11 A. I would have verses and books of the Bible, and I  
12 mean I'd just wake up and I'd open up and here would be  
13 something about cannabis right there, or not necessarily  
14 cannabis always, but something maybe about the language, how  
15 there's like a hidden language inside the Bible that a lot of  
16 people don't understand, like fruits.

17 Q. Okay. Let's take this in smaller bites. First I  
18 want to go back to 1984, because you talked about a medical  
19 incident that happened then. You also had a legal incident in  
20 '84, didn't you?

21 A. '84, yes, sir.

22 Q. Tell us a little bit about that, please.

23 A. Well, in '84 our house was invaded for cannabis, and  
24 I, we got six months probation on it. And the probation  
25 officer either instructed us that we would take, have to be

1 taking UAs, and it wasn't a court order that we were supposed  
2 to be taking them. And I didn't think it was right, but I had  
3 informed the probation officer that if he was going to be  
4 making us, make me take UAs particularly, he might as well  
5 just put me back in jail for the period because I was an adult  
6 and it was my intention to stay with what I felt was within my  
7 right. I was harming nobody.

8 Q. All right. At that time, in 1984, why did you  
9 believe that it was within your right, even though it was  
10 against the civil law?

11 A. I was injuring no persons, I mean, this is like it's  
12 a plant that, within my liberty of conscience, it was my  
13 conscience was dictating what I would do within my own body,  
14 is what's going into me, and nothing was coming out of me that  
15 was injurious to any other persons.

16 Q. I want to go back now to a thing that you said a  
17 moment ago, in '91, when you had the second major medical  
18 incident, that you were lying on the couch and praying. And  
19 so let's talk a little bit about to whom you were praying at  
20 that time?

21 A. I guess the creative energy of all life.

22 Q. But you looked to the Bible?

23 A. Well, I was Christian, I have a Christian background.  
24 I was raised in Pre-Methodist tradition and I was a member --  
25 in the Methodist I was a member of the Methodist youth



1 fellowship, and I was actually president of that for a couple  
2 of years, and gave sermons. So I was pretty familiar with the  
3 Bible. And even at that time I had some different  
4 interpretations of some of the texts than some of the other  
5 people had revealed, or whatever.

6 Q. And at what age were you involved in that  
7 organization?

8 A. That was 16, 17, a couple of years, right in that  
9 area there, probably.

10 Q. So you were pretty heavily involved in that church?

11 A. Yes.

12 Q. When was --

13 A. I was, also at that time I was Eagle Scout, Order of  
14 the Arrow. I was Honorary Campus Society. And I was a junior  
15 assistant scout master, I had gone through actually 12 years  
16 you know, before being an assistant scout master; leadership  
17 of people basically.

18 Q. Did there come a time that you started to question  
19 the teachings of your church, not this church, but the church  
20 that you were in?

21 A. Well, the Pre-Methodist church, yes, they're a fairly  
22 unstructured group, but I seen adults that were not the most  
23 moralistic acting people, and stuff. And it wasn't a lot of  
24 guidance, I would say, from -- There was not a lot of  
25 substance in it, you know, there was more reading from a book

1 and, like I said, some of the verses that I was reading, I  
2 seen a different content in that than a lot of other people  
3 see.

4 Q. Did that belief that there was a different content  
5 than what other folks my believe lead you away from  
6 the Pre-Methodist Church?

7 A. Pre-Methodist, yes.

8 Q. At what age?

9 A. It was probably shortly thereafter, 17 or 18 I was --  
10 there was not much substance there. And like I say, that  
11 junior year I kind of turned to the bottle a little bit.

12 Q. All right. Where, when you started to lose  
13 connection with the Pre-Methodist Church, where did you go for  
14 a spiritual home?

15 A. Probably within myself. I've always been monastic.

16 Q. And tell us what you mean by that.

17 A. Within myself, because I don't go out, and I've never  
18 joined within any other groups of people, or anything like  
19 that. I feel better to be able to communicate with all the  
20 different groups of people than to try to side or single with  
21 any single group.

22 Q. There are various ways of being monastic, Christian,  
23 Judaic, Islam, Eastern religions such as Buddhism, Hinduism;  
24 in what way did you choose to be monastic at that time?

25 A. Well, my life, my spiritual life was within me and my

1 own self. I didn't -- I wasn't out showing off.

2 Q. Okay. But I mean I guess my question is, what was  
3 your belief system at that time, when you parted with the  
4 Pre-Methodist Church?

5 A. I, I'm having a hard time understanding. It's just  
6 like it's so natural to me, I don't know that there's a way to  
7 explain a belief system that, you know, I believe in a karmic,  
8 I would say type, of a system where that you get what you  
9 give. If you give out bad things to people you create  
10 thoughts in those other person's minds. And the more minds  
11 that think negatively of you, the more of that negative energy  
12 that is being directed coming your way. And the more positive  
13 people are thinking of you, the greater number of those people  
14 that are thinking of you positive because of the way you touch  
15 them, the greater good comes to you.

16 Q. Good thoughts, good words, good deeds?

17 A. Good thoughts, good words, good deeds, yes.

18 Q. I guess -- let me ask it this way. Was there, for  
19 example, if a person got completely fed up with their  
20 Christian institutional church but wanted to continue to be  
21 Christian in their doctrine, they might go, be monastic with  
22 the Bible, in other words, follow those teachings and study in  
23 that way. Was there a doctrine or book, or a -- and that is  
24 what I mean by belief system, that you were connected with at  
25 that time?

1       A.   Well, originally I was like in the Bible. And when I  
2 was going through this discovery process, basically, you know,  
3 waking up in the middle of the night with verses and stuff,  
4 and it led me that there was, that this book itself was only  
5 written in 1609, that there were older books, older texts from  
6 which it was written.

7       Q.   What book was written in 1609?

8       A.   The King James version of the Bible. And so I  
9 started seeking an ethnological and a scholarly study of the  
10 history of the Bible and what it was composed of, where it was  
11 written. And looking at some of the older Bibles, because  
12 there's been several Bibles written prior to that one, from  
13 which it was made, ultimately I've discovered that the Bible  
14 itself, the Zoroastrian text, like they -- they're all pretty  
15 much transliterations of the Qumran tablets that have been  
16 discovered there in the Middle East.

17      Q.   What do you mean by transliterations?

18      A.   They're persons that are familiar with the language  
19 of, like, cuneiform. There's, I actually have a book myself  
20 which is a translating the character from that language of  
21 cuneiform tablets to the Avesta and to the Sanskrit. And then  
22 from that you would have to use like a dictionary, translate,  
23 transliterate from the Sanskrit on into the English language,  
24 if that's the language we were wanting to transliterate into,  
25 you might say.

1 Q. And am I to understand that you translated texts from  
2 those ancient languages?

3 A. I have done some, yes. When I have a question,  
4 specifically with that, the hemp, haoma issue, I constantly  
5 attempt to prove myself. You know, is this real? Is this the  
6 ultimate truth? And that's what I find, no matter which way I  
7 go. And it's so difficult to try to convince people of this  
8 truth, they want to see a mountain of evidence, and I continue  
9 to explore to try to find that mountain of evidence to show  
10 them.

11 Q. All right. Well, let's back up, because I want to  
12 get to the point at which you begin to develop your  
13 philosophies, your religious beliefs. But, so you, you're  
14 starting with the Bible and you're going back, and back, and  
15 back, and tell us, just briefly give us, if you can, an  
16 overview of the text that that progression, regression in  
17 time, took you through?

18 A. Well, I was seeking --

19 THE COURT: Excuse me. I think we'll probably have  
20 to break now. We'll go to our 11:00 o'clock hearing next.

21 Counsel, before you leave, I did receive an e-mail  
22 that we may have some time tomorrow morning. Before you go  
23 check out of your hotels, let me ask you about that. I don't  
24 know how much time you're going to need, I mean if tomorrow  
25 morning will help, if tomorrow morning will resolve, you know,

1 get us through the testimony, then I do have tomorrow morning  
2 available.

3 MR. MARTINEZ: I think that could help, Your Honor,  
4 we can get it done by tomorrow morning.

5 MR. ROBERT: I think so too. If we had a couple of  
6 hours it would probably get us to the end of what we need to  
7 do.

8 MR. MARTINEZ: We're still going to try to finish  
9 today, if we possibly can, Your Honor.

10 THE COURT: All right.

11 MS. SEDILLO: I have a scheduling before Judge Conway  
12 scheduled tomorrow in Las Cruces, and I would need to take a  
13 look at that to see where we're at. I think my client is  
14 close to time served, so I would need to take a look at that.

15 THE COURT: All right.

16 MR. ALMANZA: I have a hearing, Your Honor, in Silver  
17 City, Your Honor, but I can probably get of that moved.

18 THE COURT: Okay.

19 Well, I guess I'll leave it to you then. I do have  
20 tomorrow morning open, so if we can get everybody's schedule  
21 working, we'll just go ahead and continue tomorrow morning.

22 MR. ROBERT: Thank you.

23 THE COURT: All right. We'll take about a  
24 five-minute recess and then reconvene on the U.S.A. versus  
25 Mora matter.

1 (Court stood in recess.)

2 AFTERNOON SESSION

3 THE COURT: We're back on the record in U.S.A. versus  
4 Quaintance, 05-6538. Are we all ready to proceed?

5 MR. MARTINEZ: Yes, Your Honor.

6 MR. ROBERT: Yes, Your Honor.

7 CONTINUED DIRECT EXAMINATION

8 BY MR. ROBERT:

9 Q. Mr. Quaintance, before we broke we were talking about  
10 the steps along your path from where you started in your  
11 religious life; what you told us was the Pre-Methodist Church  
12 to where you are now. And if I'm not mistaken, I think where  
13 we left off was, in discussing what happened, I think you said  
14 in '91, when you were having a medical crisis and you  
15 consulted the Bible and then you worked your way back, and  
16 let's take it from there. You were seeking older texts?

17 A. Yes, to find more relevance. I was seeking the  
18 ultimate truth, because it's, in the King James version of the  
19 Bible there is so many interpretations from numerous groups, I  
20 have not only been in the Pre-Methodist, I've also attended  
21 church in the Baptist and Presbyterians, I've gone into other  
22 ones just to see the differences, and there was really not a  
23 lot of difference, they all used the King James version of the  
24 Bible. It's primarily a little different interpretations, a  
25 lot of people have different interpretations of the versions

1 there, and I was seeking a more ultimate answer. It's like  
2 there's a story, there's an underlying mystery in there that  
3 needs to be solved.

4 Q. In where?

5 A. In the King James version of the Bible. And I was  
6 seeking to solve that mystery as, well, not being guided as  
7 well, it felt to me. I was woken up, and different points on  
8 it taking me to different passages.

9 Q. When you say you'd be taking the different passages,  
10 I'm not sure I understand what you mean.

11 A. Well, in the Bible, on one of the most significant  
12 ones that I hit on right off, the early start of was Ezekiel  
13 47:12, which is, in Ezekiel 47:12 it talks about on either  
14 side of the river shall grow a tree of fruit and its seeds  
15 shall be your meat and its leaf your medicine. And to me, the  
16 only plant that I was aware of that had those significant  
17 properties was the cannabis plant that had both the seed that  
18 was a nutritious seed of meat, basically, and the medicinal  
19 properties to the leaf.

20 Q. Now, I never heard, before I talked to you and Mr.  
21 Singer, that there was any sort of nutritional value to the  
22 seed of the cannabis plant. Tell us a little bit about that,  
23 please.

24 A. Well, the nutritional aspects of the cannabis seed,  
25 you have essential fatty acids that, essential meaning that



1 your diet requires them, and there's only a few places that  
2 you can get them, it doesn't break down. A lot of times in  
3 your nutrition you can eat anything and it's converted to the  
4 chemicals your body needs, but essential fatty acids, you have  
5 to get it from certain food substances. And only chicken or  
6 poultry and fish, cannabis or hemp seed, are about the highest  
7 in those nationally; cannabis and flax seed are the two  
8 highest of the Omega 3 six essential fatty acids.

9 Q. Where did you learn about these things?

10 A. Research.

11 Q. All right.

12 A. Well, Dr. Roberta Hamilton, we had a monastery over  
13 in England and he was a friend with Dr. Roberta Hamilton, a  
14 professor at UCLA, and she is a nutritional expert and done a  
15 lot of study with the hemp seed, and she kind of advised me  
16 that if I want to -- well, actually I was laying down sick one  
17 day, and when she called and Mary told her, "Well, Dan is down  
18 sick," and she was, "Well, has he got the flu or something?"  
19 She said, "No, he's dying, you know, from this pancreatic  
20 cancer." She said, "Oh, he needs to get on these hemp seeds  
21 or this flax black seed oil. If you mix flax seed oil with  
22 cottage cheese and form a long-strand molecule that will wrap  
23 around the antioxidant coating, from which we get from  
24 hydrogenated vegetable fats. At the turn of the century we,  
25 to make fat, fat products last longer on the shelf they used a

1 hydrogenated vegetable process, heating the oil to over 600  
2 degrees and converted the sis fatty acids to trans acids by  
3 putting an antioxidant coating on them so they wouldn't  
4 oxidize or spoil. But our body, it works by using oxygen to  
5 burn the fats and things we eat, and that the calories burn,  
6 makes the calories of energy in our system. We can't digest  
7 those things, and that's what causes a lot of cancers and  
8 tumors, and stuff like that, in people nowadays. But this  
9 flax seed oil or hemp seed oil, mixed with cottage cheese will  
10 form a long-strand molecule that will wrap around those  
11 antioxidant molecules and dissolve them and allow you to  
12 disseminate them by normal processes of the body.

13 Q. All right. Okay. So let's go back to where I jumped  
14 off, which is you're looking at that verse in the Bible that  
15 talks about the tree on both sides of the river.

16 A. Uh-huh.

17 Q. All right. Where did you go from there in terms of  
18 your research into the spiritual texts?

19 A. In the texts themselves, going back, I learned that  
20 really there was like -- I went back into the Genesis and  
21 started reading it over again, I'd read it a couple of times  
22 before; but in Genesis I learned that the rivers, the names of  
23 the rivers were like using ethnological breakdown and they  
24 were actually like compounding of the languages, and stuff,  
25 sort of like the tower of Babel. And so I felt that really to

1 learn deeper into these secrets or mysteries I would need to  
2 learn the entimology or roots of words themselves, from where  
3 they came from. And it took me all the way back into  
4 cuneiform tablets. And I learned, of course, that the text of  
5 the Avestin and the text of the King James version, they're  
6 all based, really, upon those cuneiform tablets being  
7 translated, or transliterated, from those cuneiforms into the  
8 modern language of whichever language the person is going to  
9 be reading them in. But they pretty much have a lot of the  
10 same message.

11 In the end times there will be Native American  
12 religions, just about every religion out there, the promise of  
13 many times is an unending supply of food, or the return of the  
14 original food. It's pretty much a universal promise amongst  
15 all religions, that "My people will never have to go hungry  
16 again." And, of course, this hemp seed is a nutritional  
17 plant, to the point that one acre can produce enough food for  
18 10 persons. It has every single thing in one cup of hemp  
19 seeds that a person needs for their daily adult requirements  
20 and diet.

21 Q. All right. And so that's related to the religious  
22 text because of those end-time prophecies?

23 A. Yes, most definitely.

24 Q. All right. Well, where, specifically, and when I say  
25 where I'm talking about what writings, did your analysis of

1 these things take you through?

2 A. Well, I ended up going back, and I found, to me, the  
3 most convincing of all the texts that I could find would have  
4 been the Theosta 9 through 11 because of the linguistic link  
5 into the Yasansa Chinese language, which has a direct phonics  
6 translation of the terms of the Avesta in that region.

7 Q. Okay. Let me stop you there, because you're saying  
8 some things that I didn't understand the first time I heard  
9 them, and so we're going to need to take them -- What's the  
10 nine through 11, the Yasansna?

11 A. Yeah, the 9 through 11, Yasansna, Y A S A N S N A,  
12 and it's the Hom Yahst, H-O-M, which would be Y-A-H-S-T.

13 Q. What is Hom Yahst?

14 A. The Hom Yahst is transliterated into English, would  
15 be the marijuana, hemp or marijuana praise. It's, Hom is a  
16 Polovi word for the Avestin word haoma, which Avestin is a  
17 pretty much extinct language. A lot of people are still  
18 trying to find the category of whether, where is, where did  
19 this language develop. Some people bring it closer to the  
20 Tamali's language, which I've done a lot of research in there  
21 as well, and there's a lot of references to Hom. Hom Yahst  
22 the Arabic word of it. And, like I say, the Hom Yahst, that's  
23 the only place that's called Hom, is right in the title of it.  
24 The rest of it, all the way through it, it uses the word  
25 ahoma.

1 Q. All right. Hom Yahst is a part of what bigger piece  
2 of work?

3 A. That's the Yaznas or the Yaz, that the Yazna, there's  
4 like 27.

5 Q. And, I'm sorry, and of what larger work are the Yazna  
6 a part of?

7 A. Avesta.

8 Q. Okay. And what is the Avesta?

9 A. The Avesta is a compilation of all of these different  
10 tablets, writings of that law, that have been carved. It's  
11 Zoroastrian sacred text, you would basically say. They're  
12 fragments transposed from clay tablets. The Gathas were  
13 actually hymns, which is an oral tradition of the, they claim  
14 is the very oldest, which being the very oldest doesn't make  
15 them the most accurate. But when you're telling a story in  
16 ear-to-ear, going around the room, by the time it gets to the  
17 last person in the room it's quite different than when it  
18 began back here. And being oral tradition like that, it is  
19 susceptible to some modifications, glorification, maybe, you  
20 know, a little bit of loss, that other translations actually  
21 are coming from clay tablets that were written-down fragments.  
22 And the Vindadat is attributed to Zarathustra or the last  
23 Zarathustra, actually. There's 13 Zarathustras, which  
24 Zarathustra is, zara is like where our modern word czar comes  
25 from, it's great or magnificent, and aster is brightness or

1 wisdom. Istar goes back to Istar. And he is -- I have a book  
2 which a lot of the modern days Zoroastrians are not privy to;  
3 it's from 1882, it's 124-year-old book, the spirit of the  
4 Zoroastrian religion, which gives a lot of us knowledge. And  
5 they speak of some ancient manuscripts in Russia that gives me  
6 a little bit more knowledge than some of the ones that are out  
7 there today have.

8 Q. Who is the author of this 124-year-old book?

9 A. It was done by -- the -- it's not an author, actually  
10 it's a book about a lecture given by Colonel Alcott, the  
11 Parthis Society of Bombay, India, about their religion,  
12 telling them about the ancient history of their religion and  
13 how it's lost its significance, there's not too many people  
14 left that really knew that much about it. It's kind of an  
15 empty shell of religion at that time.

16 Q. What was?

17 A. The Zoroastrian religion. There wasn't very many  
18 survads or movads around that really knew much more than just  
19 recycle of the words of the chants or text. You know, they  
20 didn't really have the feeling of the body to where they could  
21 experience and do things of supernatural powers of some of the  
22 earlier ones, and the religion where magi, you know, there are  
23 magi in religion.

24 Q. Magi as in the magi of the Christian tradition?

25 A. That's a Christian tradition, actually, yes, because

1 those are the ones that came and gave Jesus the gifts. And I  
2 believe those were the gifts of healing. He actually did an  
3 awful lot of healing on his term here on earth because he knew  
4 the secrets of like, we know that cannabis is good for  
5 glaucoma. He made people to be able to see, the blind to see,  
6 the lame to walk. It was good for MS patients suffering MS.  
7 And a lot of the miracles Jesus performed could be attributed  
8 to cannabis today, the medical movement and what they're  
9 attributing its ability to do.

10 Q. Okay. The time frame that you described as the  
11 Zoroastrian practices as being sort of in abeyance, is that  
12 back in the time when this Colonel Alcott gave his lecture,  
13 you're talking about in the mid 1800s?

14 A. No, it's, the Zoroastrian religion expands for  
15 thousands of years, several thousand years BC to 600 or later,  
16 actually all the way to the present times, that they  
17 discovered some archeological ruins in Turkmenistan, that  
18 there are some temples there and they have some pots, and they  
19 have all the stringer-type thing, it's like a hole in the  
20 bottom where they would pour the pounded haoma liquid through  
21 it and separate out the milk from the fiber for their soma or  
22 their meal, basically. They found those artifacts in this  
23 archeological dig, they're dating them between 2000 and 3000.

24 Q. BC?

25 A. BC. And they chemically analyzed the contents of

1 these and they were, they found early about poppy, they found  
2 cannabis, and they found some imprints of cannabis seed that  
3 some scholars are saying it was probably more of a millet seed  
4 because of the smallness of them, the cannabis seeds are  
5 actually, there's a grade, the dimensions or side, from the  
6 side of a millet, perhaps all the way up. But it's actually  
7 the text of the Yasansa and stuff, especially 9 to 11, which  
8 would be definitive, those other substitutes did not be it.

9 Q. Okay. I want to come back to that in a little bit,  
10 but I want to talk about the idea that there is a dispute  
11 among people who are knowledgeable about Zoroastrianism, as to  
12 what haoma is, is that --

13 A. It has been for a couple hundred years, it's been a  
14 curiosity among scholars. For several hundred years now  
15 they've been tackling that problem, Harvard, itself. I wrote  
16 using linguistic archeology, was what I find it as, going  
17 through the words and leading myself back there. I was able  
18 to write an article where I said it could be nothing but  
19 cannabis, in '96. In '98 Harvard tackled the problem, they  
20 called it the helm to solve the problem, and back in '90, I  
21 guess it was. And then in 2003 is when they revealed this  
22 archeological discovery that confirmed that very likely it was  
23 cannabis, according to Sardinni, he believed it was.

24 Q. Who?

25 A. Sardinni, he's a Russian archeologist.



1 Q. How do you spell the last name?

2 A. Oh, S-A-R-D-I-N-N-I, I believe it is. Sardinni.

3 Q. Sardinni. You've mentioned soma a couple of times,  
4 and we've already heard haoma described; what is soma?

5 A. Soma is, soma is in the, you know, there's a little  
6 over 100 hymns composed to it, it is a deity as well.

7 Q. What is the Rigaveda?

8 A. Pardon?

9 Q. What is the Rigaveda?

10 A. Rigaveda, it's the holy books of the Hindu religion  
11 in India. And they're linguistically connected, actually they  
12 believe these people came from possibly up around where the  
13 Sideons were in the northern plains, just above India in the  
14 Turkemanistan region, southern part of Russia area. And one  
15 group went to the west over towards Iran, and the other group  
16 went south down into India, the ones going into India carried  
17 with them the soma, and were mainly the Hindus, and the other  
18 ones that went to the west into Iran and Iraq were the  
19 Zoroastrians. And the ones going south called it soma, the  
20 ones going east called it haoma; soma is a Sanskrit word.

21 Q. Okay. So basically your research led you to the  
22 conclusion that the two are the same?

23 A. Place, somebody -- it's actually, I believe that  
24 haoma is probably the older version of it.

25 Q. All right. Well, you told us that there was an

1 archeological find in which there was evidence of, not just  
2 cannabis, but also ephedra and poppies, which, of course, is  
3 the main component of opium?

4 A. Yes.

5 Q. So I can see where that might lead to disagreement as  
6 to what haoma actually is.

7 A. It's, in the text, in the Vendada, especially in  
8 Fargar 20 where they're speaking of the healing medicines and  
9 stuff, it makes a connection between gaokorina the mythical  
10 tree of life, which is similar to the Christian tree of life,  
11 where all things came from it, is connected right there. It  
12 says the gaokorina is the white palm, is the yellow haoma, the  
13 plant of immortality. So it's a tree, basically, it's  
14 connecting a tree to whatever haoma is. And there are several  
15 other places that refers to it as a tree as well. In the Osma  
16 it has spots of trees, where it's mentioned as a tree. And  
17 the poppy is not a tree, it's a long, far cry from a tree, and  
18 ephedra is a far cry from a tree.

19 Q. Well, isn't cannabis a far cry --

20 A. No, it is not. The cannabis plant actually can grow  
21 to about 25 foot in a single season. And in the Bible,  
22 there's verses in the Bible that it speaks of, and the tree of  
23 the field shall lift its hands and clap in joy. And the  
24 cannabis plants, people refer to them as the number of fingers  
25 that the leaves have, finger leaf it has on it.

1 Q. Is that by the number --

2 A. Well, it goes in an odd number. It begins with  
3 three, then five, then seven, up to 13, I've seen the leafs on  
4 it when they grow. And number one, fields are normally  
5 considered annual, annual crops, and there's not too many  
6 trees that are grown in fields, most of the trees are grown in  
7 an orchard, or grove, or referred to as that because it's not  
8 an annual crop. The fields are annuals and the cannabis plant  
9 grows, when they grew hemp here in America prior to the '50s,  
10 up to the mid '50s, I believe it was, you were still able to  
11 pay your taxes with the cannabis, hemp plant. But it's, it  
12 was growing real close together and it was more of like a  
13 cane, it grew up real straight because -- it depends on how  
14 it's grown how it's going to end up. If you want it for seeds  
15 you would agree it with a greater distance between where it  
16 could spread out and bush and have lots of bud sheets out of  
17 it that are loaded with the seeds, which they grew seed crops  
18 in Kentucky, and they grew hemp fiber up in the northern  
19 states real close together. They will grow up to 12 to 18  
20 feet in a single season with just one seed on top of it.

21 Q. All right. So it is, can it at least be called a  
22 tree?

23 A. Pardon?

24 Q. It is, then it resembles a tree?

25 A. Yeah, it has branches. I have some older writings

1 where, it must have been from the 1700s, where a person spoke  
2 about going out where he planted these trees of the hemp  
3 alongside of his riverway or waterway through a canal, and he  
4 would go out and climb up on the branches of it.

5 Q. You've told me in the past about perhaps the  
6 confusion about the language from which some of the original  
7 words derived, and that leading to some confusion about  
8 whether haoma is, in fact, cannabis or some other plant. Tell  
9 me a little bit about that.

10 A. Well, hayo -- the reason why I say I believe it's  
11 actually not, it's not an Indio-Iranian, Indio-Arabic or  
12 Indio-European language, it's actually is a Singh or Tibetan  
13 root because it has, like I said, phonetic origin. The  
14 Chinese has a word haoi as a word hoama, and that is, when  
15 you're doing etymology and linguistically connecting words  
16 it's one person says it, another person writes it down, they  
17 may not spell it the way you said it. Another person comes  
18 along and reads the way it's spelled and they pronounce it  
19 different based upon that spelling, and that's how you kind of  
20 get a changing of words going throughout history or over a  
21 period of time.

22 And the word hao in Chinese is good, and ma is hemp,  
23 and there's a symbol for it where it's two leaves that appear  
24 to be cannabis leaves that are underneath the shelf that looks  
25 like, that actually, by itself, in the Chinese language,

1 symbolizes a shed or a cave. And then there's like a little  
2 slice coming down from the top that, it symbolizes the brain.  
3 So these plants that are underneath the shelf are being kept  
4 dry, they're put away and stored, and that symbol is ma for  
5 hemp, it means hemp.

6 Q. All right. So --

7 A. There's other connections as well. In the Buddhist  
8 Tibetan dictionary the language is, Sanskrit is a monosyllabic  
9 language, so each part -- soma would not be soma, together it  
10 would be so ma, separated. When you put those into their  
11 Tibetan dictionary that the Buddhists put together there it  
12 comes up with hemp, is the word, right direct hemp.

13 Q. All right. So as a part of the research that you  
14 did, you're studying Sanskrit and ancient Sino-Tibetan  
15 languages?

16 A. Yes. And the Omaa; that's why I believe, you know,  
17 in the Zoroastrian religion it's a fire-based religion. The  
18 cannabis, hemp plant itself, when you taste it, when you make  
19 this drink, the soma, it has a hot, spicy, fiery flavor to  
20 it. It's hard to define whether it's like radish or jalapeno,  
21 cinnamon. It kind of, you question what is that flavor. And,  
22 but it's hot and spicy basically. And the word hoa is used  
23 today still medicinally in Chinese medicine. You can find it  
24 on the Internet, just hoama Iran, and it gives you the symbol  
25 of fire, it gives you the symbol of the shed with the leaves

1 under it, ma, and then it looks like seed is the symbol of  
2 Iran, being the seed, which is fire hemp seed.

3 Q. Okay. When you talk about that it reminds me of some  
4 questioning yesterday, and I expect we'll hear more about it  
5 when Dr. Bagli testifies, but I guess that there is, at least  
6 his side of Zoroastrianism, which, as you say, is  
7 a fire-based thing, abhors smoke for some reason, which is  
8 obviously inconsistent with your beliefs.

9 A. Yes.

10 Q. Are you familiar with that disagreement?

11 A. Yes, it's -- there's quite a few different sects  
12 among Zoroastrians, and there's, I would say that, oh -- now  
13 my mind is going to -- I know this guy so well, too.

14 Q. I'm sorry, which guy?

15 A. There's one who's written, and he's written for 40  
16 years, and Mr. Bagli is quite familiar with him because  
17 they've intercommunicate, in fact, actually he's quoted some  
18 of his work, and I have my papers, I've got his papers in  
19 there, it's just slipping my mind for some reason. My book,  
20 the Church of Cognizance book Joffrey, Ollie Joffrey.

21 Q. Is this the book you're talking about?

22 A. Yes, that's the book.

23 Q. Would you like to refer to it or do you not need it  
24 now?

25 A. That was good, I got to a point that's lack of deity,

1 I'm having a hard time focusing being over six months away  
2 from my deity. Ollie Joffrey is the name. And he's written  
3 on the religion for over 40 years, and he says it can't be  
4 anything but the cannabis plant as well. So he concurs with  
5 me that, Joffrey, I mean Bagli, and then he seems to me to be  
6 kind of confused because one part he's talking about that it  
7 is the haoma plant, you know, or haoma is essential in some of  
8 their ceremonies, and then other parts he says that they don't  
9 do it any more. The religion truly is all about purity. And  
10 the cannabis, the tea, that's where the tea seed part of the  
11 plant comes in, because cannabis is a grand positive  
12 antibiotic and anything that penicillin will kill, THC will  
13 kill, it kills streptococcus, which is responsible for  
14 pneumonia, scarlet fever, different diseases like this. And  
15 the antibacteria, the Sythians were some of the first wrote  
16 about the Sythians going into the tent and doing a  
17 purification ceremony by throwing the seeds of the cannabis  
18 plant on fire or coals, that a lot of people don't understand  
19 what that ceremony was about. It was a ceremony after you  
20 took care of your dead, and that when you're around a dead  
21 body there's a chance that you could get bacteria and you can  
22 get very sick from it, a lot of people died, and it probably  
23 took them awhile to make that connection or realize that.  
24 There's two groups left down in Mexico that have that same  
25 basic thing, they live in high cliffs on some plateaus, so

1 when the inquisition comes through the Conquistadors, or  
2 whatever, they weren't able to go up and successfully move  
3 them out of Mexico. And so they still survive there and they  
4 still practice the ceremony, or very similar to the Sythians.

5 Q. Using cannabis?

6 A. Use cannabis, yeah, in those, one, in one it's the  
7 Sing Rose and the other one it's the Rosa Maria, is the name  
8 they go by.

9 Q. Okay. Well, let then me go back to what sort of the  
10 original, what I am wondering is, and it sounds like Dr. Bagli  
11 is going to say smoke is bad, we don't believe in smoke as a  
12 general proposition; so is it bad?

13 A. It's purifier and your body has to be purified, you  
14 don't just have an outside to your body, you don't just have a  
15 spiritual side to your body, you have a physical epidermis,  
16 you have an alimentary tract, you have respiratory tract. And  
17 to purify that respiratory tract, smoke inhalation, like if  
18 you're in one of those tents you're going to be breathing  
19 those fumes in, you'd be purifying your respiratory tract,  
20 when you take a sip of the drink you're going to be purifying  
21 your alimentary tract. And if you were to rub the oil on your  
22 skin or bathed in this oil, it will sub, subcutely. This THC,  
23 itself, is an oil-soluble substance, and so the oil is what  
24 will purify it, and subdermally on your skin, and allow it to  
25 take care of subcutical bacteria.



1 Q. Okay, let's forget -- smoking isn't necessarily a  
2 purifier, I mean --

3 A. Yes.

4 Q. -- people that smoke cigarettes end up destroying  
5 their lungs with that smoke.

6 A. Exactly. It's the THC is kind of collective, in  
7 fact, there was just some recent release, the person who had  
8 said that, who did the studies that maybe Congress used in  
9 some of its determinations that cannabis caused cancer of the  
10 lungs, and possibly even worse than cigarettes, has now  
11 changed his stance on that. And, because they discovered,  
12 along with Dr. Robert Melanick at the University of Colorado up  
13 there, that THC kills those cancer cells and allows new cells  
14 to regenerate. What cancer is, is basically it's a cell that  
15 refuses to die and it just morphs out into a bath.

16 Q. Okay. And then that gets a little beyond the scope  
17 of where we are, but I guess what I'm trying to do is to  
18 square or at least discuss the differences in opinion about  
19 what the religion says or --

20 A. Well, we believe in full-body purification. I don't  
21 know where their purification is in chants. They've got like,  
22 they've got a more modern religion where they don't believe  
23 that they even need to have haoma in it any more. They  
24 believe they can receive their purification sort of similar to  
25 the modern Shinto.

1 Q. What's that?

2 A. It's a Japanese religion, and MacArthur in, during  
3 the war he forbade the practice of it, burned all their books.  
4 But nowadays their back into practice, you can get on line and  
5 see the Shinto priests in all of their decorative garments and  
6 they go up the path with a cannabis plant to the holy shrine.  
7 And in their healing they use what they call a goati stick,  
8 which is fibers hanging off the end of the stick have fibers,  
9 and the person that's sitting, laying on a table, and they  
10 shake that goati stick up and down over the top of the body  
11 and they say a little prayer, and it's sprinkling the purity  
12 of the cannabis plant out on the body and it's supposed to  
13 remove that illness from them. In our religion we're familiar  
14 that the THC itself is the purifier that will remove that  
15 illness.

16 Q. So it's just a difference of opinion?

17 A. Yes.

18 Q. And your own opinion is based on what, your research?

19 A. A lot of research, and my own work, but what it's  
20 done for my life, the people I have observed it in.

21 Q. Your beliefs in this regard, Mr. Quaintance, are they  
22 unique or is there a community of other folks that base their  
23 religion on Zoroastrianism, that also believe as you?

24 A. Oh, yeah. There's over in Iran and Iraq, and India,  
25 there's still the cannabis plant. There's groups that for the

1 last several generations they have been trying to eliminate  
2 it, before members, some people can become member states of  
3 the UN and stuff, they have to get the cannabis out because  
4 it's such a controversial issue to, and to not disturb other  
5 people and get along you should have to give up a little bit  
6 of your religion, and then we'll give up a little bit of our  
7 religion and then maybe we can find a medium ground where we  
8 can all be happy. But it's actually causing a lot of conflict  
9 in the Middle East, some people are not wanting to give that  
10 religion up.

11 Q. Well, a little conflict right here in this courtroom,  
12 I guess. That brings me to something I wanted to ask you  
13 about, and this is based on something that Mr. Martinez has  
14 said a couple of times during the course of this case. You  
15 decided at, early on, when Judge, Magistrate Judge Martinez  
16 set conditions of your release, one of which is you can't use  
17 cannabis, you can't use sacrament, and you accepted that?

18 A. Yes, sir.

19 Q. Have you used cannabis at all since that time?

20 A. No, sir, I give a urinalysis test once to three times  
21 a week.

22 Q. After a period of time during which --

23 A. It took six weeks for it to clear our system to where  
24 we were coming back negative on it.

25 Q. All right. Mr. Martinez has suggested on occasion

1 that you're basically a religious fraud because you kicked  
2 your deity to the curb as soon as the Court required you to do  
3 that, would you comment on that, please?

4 A. Well, we can stay in jail without our deity and  
5 without our children, or without any other support system  
6 around. My ability to get back into, at least do research,  
7 and since that's the part to me too, I'm constantly searching  
8 throughout, like I said, it feels like I have to have a  
9 mountain of evidence to try to convince people of the  
10 righteousness of this narrow path I'm trying to follow here  
11 and, or, you know, I can be in there without it or I can be  
12 out here without it. Out here without it seems to be a lot  
13 better trade-off.

14 Q. Okay. Well, how do you manage spiritually, having  
15 been denied that which you believe is not only your conduit to  
16 God, but is, in fact, God?

17 A. Well, I'm not totally separated from it because I,  
18 the human body itself produces it with your diet. With what  
19 you eat, your body produces cannabides, we have receptors all  
20 throughout. It probably is, it's responsible for the  
21 homeostatic valves of our body. It, actually it's, the  
22 cannaboid receptor itself is over 600 million years old, it  
23 was developed before we had sight, sound, hearing, anything,  
24 what defines us as a personal living organism, cannabis is the  
25 receptor that the parent, that family tree coming out from

1 that point.

2 Q. All right. Well, since we seem to be at this point,  
3 I want to talk about, now, a notion that I haven't been able  
4 to understand. And that's probably because of the traditional  
5 background in which I was raised. Cannabis is a sacrament  
6 based on your understanding of the ancient texts?

7 A. Not only based, but on my understanding the glossary  
8 of the Avesta.org listed as a deity, a plant, and a  
9 sacrament. The word haoma has those three connotations.

10 Q. Okay. And then I want to talk about those things,  
11 and it's plain, obviously, we all understand that; a  
12 sacrament, we may not all agree but we can understand it?

13 A. Uh-huh.

14 Q. And again, I think you testified that it's not just  
15 your research but your personal experience that gives you that  
16 insight as well. I want to talk about that again in a moment,  
17 but I can't grasp the notion of a plant as a deity. People in  
18 the, in this culture, see a God who is often represented as a  
19 man to whom a person, a consciousness, a being which is  
20 typically understood as having at least a metaphorical body,  
21 but an intelligence, a brain, a consciousness, and it's hard  
22 for me to attribute those qualities to a plant. Could you  
23 help me and the Court understand?

24 A. Actually, see, when I was in the Christian field of  
25 working with that Bible, and everything, there was one lesson

1 that I grabbed from it was when the Messiah returns few will  
2 recognize him and most will shut the door in his face and say,  
3 "You're not here." "So if you reject me, so shall I reject  
4 you." And that could be the consequence of what's happening  
5 right now, that a lot of people are rejecting the actual  
6 Messiah. I feel myself, I'm a conduit, I sacrifice myself.  
7 That plant has no voices, the spiritual deity has no voice but  
8 to come speak through some other person that has a voice, to  
9 be able to try to bring that message back. I feel that it's,  
10 it's a savior, it's, you know, it's where salvation will be  
11 found. In fact, Revelations 22:2, "And its leaf shall be for  
12 the healing of nations."

13 Q. Okay, that's fine. I can see it as a healer too,  
14 because, you know, but particularly in older societies?

15 A. Of the nations, though.

16 Q. Well, okay. That's a different concept. But I guess  
17 the more elemental problem that I'm having is the idea that a  
18 plant has the power that we attribute to a supreme being, an  
19 omnipotence?

20 A. An omnipotence, well, an omni presence. And it is in  
21 everything. The cannabinoid receptor in that of the -- well,  
22 modern science has got to the point that it checked, using the  
23 miofossil cells and finding the parent key to everything that  
24 is, and finding that there is actually this parent key which  
25 goes back to the branch of evolution, which is the branch

1 where we both have the common moma of being plants, animals  
2 and insects, everything goes back to that point, about six  
3 hundred million years ago. And for me it's the plant having  
4 also the connection that's where our voice, our speech, our  
5 eyes, is in every person in this room has cannabinoid  
6 receptors in their bodies produce it without putting extra  
7 in. Some people have a lower amount of that, some people have  
8 a greater amount of that. Some people can get a connection  
9 with themselves without any exocannaniboids, as Mike said on  
10 the stand the other day, being in supplemental amount.

11 Q. And that does distinguish from those that are already  
12 in our bodies naturally?

13 A. They attach to the exact same receptors in our body  
14 to perform every function. The hippocampus of the brain has  
15 the greatest number of receptors for it, and that's the  
16 section of our brain associated with creativity.

17 Q. Okay.

18 A. And which is in the mind of the creator, to be more  
19 creative.

20 Q. And that leads me to another concept that you've  
21 expressed to me, which is haoma as teacher.

22 A. Yes, that's exactly why.

23 Q. Is that basically that notion?

24 A. That is that notion, it stimulates the creativity.  
25 It causes you to ponder. I ask nobody questions but I

1 question you direct.

2 Q. Where does that come from?

3 A. That comes from the Osman 9:26.

4 Q. All right, I'm sorry.

5 A. There was a problem in the very early days, because  
6 when, I can't say exactly how far back it goes but I would,  
7 there's evidence of we being a hemp back to 27,000 BC, and  
8 that was like at least 17,000 years before there was any  
9 irrigation ditch or agriculture, or anything like that. It  
10 had to be a plant which could grow about that, which none of  
11 our modern plants today can grow without irrigation,  
12 agricultural ditches, there's an agricultural system put in  
13 place; millet grasses and stuff later on come on. So it was  
14 cannabis prior to that. And we, as a ritual, in the beginning  
15 was to cut these bundle -- cut these buds off that were full  
16 of seed, tie them into bundles, put them on the stands in  
17 front of the fire. Mother is explaining to the kid, because  
18 this is the woman's job, the woman was more of the priest in  
19 the early days, if you want to try to make the comparison of  
20 where that is, and she would be explaining that you have to  
21 have this plant so far from the fire, otherwise the seeds will  
22 bake, basically, and not be saved in the pristine state where  
23 they give you all the health that you need, or they might  
24 crack open and might even spoil. And you have to get it  
25 properly dry. So she's explaining this to the kids.



1 Q. All right. So that's part of the ancient ritual  
2 developing --

3 A. The ancient ritual that, before you put it out,  
4 because if you didn't do this right and you put it away, it  
5 would get moldy or it would get a urine smell to it, which is  
6 the attar of decomposition.

7 Q. Where I started from was, hoama as, cannabis as  
8 teacher. And I wanted to learn, if you could spend a minute  
9 or so to talk about how that concept relates to your first  
10 experience with cannabis.

11 A. It caused me to sit back and contemplate where I was  
12 headed, you know, what had I been doing, and had I dropped out  
13 of school in the 11th grade and not got any education. And it  
14 put me back on right course, that very first experience with  
15 it.

16 Q. Now at the that that happened you were in the 11th  
17 grade, you didn't have a notion that this was part of a  
18 religious process?

19 A. Not at all, no, not at all. That's why myself,  
20 personally, today I believe that cannabis is a converter.  
21 There's a lot of people out there that are on a religious path  
22 without even being aware that they are, and when they finally  
23 find that religious path is when they've got to the point  
24 where they give up all other substances that they might be  
25 using as a partying tool, you know. It becomes no longer a

1 party but a religious aspect that they rely on in their life.

2 Q. What is the policy of the Church of Cognizance on use  
3 of, first of all, other intoxicants?

4 A. All other intoxicants go hand in hand with the sharp  
5 edge of the blade, spear, a lot of it goes hand in hand with  
6 friendship in connection with the body to heal.

7 Q. Okay. The sharp edge of the blade, spear, that  
8 sounds like a quote; where does that --

9 A. That is out of the Avesta.

10 Q. And you're talking about, it says toxicants, so I  
11 suppose that means the same thing that we would characterize  
12 as intoxicants?

13 A. Yes, exactly.

14 Q. And that includes?

15 A. All substances that could be intoxicating; it could  
16 be alcohol, it could be, especially in this day and age the  
17 greatest problem we see is methamphetamines. I've seen coke  
18 destroy people in the '70s. I had a friend that was using  
19 cannabis and he was doing very good in his life, he  
20 accumulated houses and apartment buildings, and he had a wife,  
21 and the borders were shut down by operation, government  
22 operation shut down the borders, they sprayed paraquat, and  
23 the price jumped from about \$10 overnight to 35, \$10 an ounce  
24 to \$35 a quarter. And at that same time cocaine just flooded  
25 the street. And he got on cocaine and he lost all,

1 everything, he lost everything he had, including his family.  
2 We seen it destroy lots of people.

3 Q. What about you?

4 A. Me? No.

5 Q. Well, did you ever have --

6 A. I've used other substances, yes, I have quite a bit  
7 of experience with other substances, but I had ran through  
8 those while I was in the military. I had done  
9 methamphetamines, and it was, basically destroyed my mind and  
10 ability to even think. I would have delusional thoughts and  
11 thinking people were ripping me off or doing things they  
12 weren't doing.

13 Q. What brought you back?

14 A. Cannabis.

15 Q. Since that time have you used any other substance?

16 A. No.

17 Q. Do you drink?

18 A. Well, I have drank on a couple of different  
19 occasions, that's one of my greatest fallbacks I have. I  
20 don't drink any more, I would not have my wife.

21 Q. Since when do you not drink?

22 A. I haven't drank in over ten years.

23 Q. You've referred to this at various times during your  
24 testimony, but I just want to briefly touch on another notion  
25 that you expressed to me, and that is cannabis as healer. And

1 we heard yesterday about the close relationship between the  
2 spiritual and the, that aspect of things. Is that a part of  
3 your belief system as well?

4 A. Cannabis is the healer, it's the teacher, protector,  
5 provider. The protector is the healing aspect of it, it  
6 protects you from all illnesses, anaerobic, or bacterias due  
7 to bacterias, streptococcal bacteria, it's basically a  
8 protector in that aspect. So that's where that phrase -- What  
9 I believe, what I've learned from other great religions, and  
10 some philosophical religious philosophies, that the best  
11 religion is one that can be summarized into the fewest words.

12 Q. Okay. You'll probably get some argument from other  
13 religionists, but I'm not going to go there.

14 A. Well, as far as the Mano, the basis to live by, it's  
15 easier to live by a few words that have a broad connotation.

16 Q. Okay, I understand. I think we've spent a lot of  
17 time talking about the derivation of your basic beliefs, and I  
18 want to talk a little bit about the Church of Cognizance and  
19 the way that it functions. And I would like to start with one  
20 of the more mundane things that we have to deal with, and that  
21 is that we have to make money and be able to buy food and  
22 provide for our families. How, other than the Social Security  
23 disability income that you receive, how -- This is a full-time  
24 job for you; isn't it?

25 A. Oh, I'm, I spent all my life researching it, it's a

1 love, basically without an income I would do this.

2 MR. MARTINEZ: All right. Well, what sort of income  
3 do you have?

4 A. A little over 800, \$870 or so dollars a month. But  
5 we also, we have some ceramics that we make and sell. We make  
6 a replica of a lamp that's abundant in the Middle East that's  
7 an oil lamp, hemp oil lamp. It has a hemp wick. It's pretty  
8 much a replica of the size, I have one in my briefcase.

9 Q. Well, we're going to probably break shortly for  
10 another proceeding, so I'm going to ask you, during that  
11 break, to get that so we can have a look at it. What do you  
12 do with those things?

13 THE COURT: This is probably a good time to break.  
14 So we'll be in recess on this matter and move on to the motion  
15 to suppress which was filed by Defendant Butts.

16 (Whereupon a recess was taken.)

17 THE COURT: Please be seated. We're back on the  
18 record in U.S.A. versus Quaintance, and we're back on the  
19 motion to dismiss.

20 Mr. Quaintance, you may take your seat.

21 Actually, before we come back to the motion to  
22 dismiss, I don't think -- back to the motion to suppress --  
23 you all indicated that the videotape was stipulated to.

24 MR. MARTINEZ: I thought I did, Your Honor, but if I  
25 didn't I apologize.

1 THE COURT: Well, you did say it was stipulated to  
2 but I don't think I formally accepted it into evidence. And I  
3 just want to make sure that our record's clear.

4 MR. MARTINEZ: Yes, Your Honor.

5 MS. SEDILLO: Yes, Your Honor. The defense has no  
6 objection to, was it S-1?

7 MR. MARTINEZ: It was 1-S.

8 THE COURT: Government's Exhibit S-1 or 1-S?

9 MR. MARTINEZ: Yes, Your Honor.

10 THE COURT: All right, with that --

11 MR. MARTINEZ: Thank you, Your Honor.

12 THE COURT: Is admitted. Okay, I apologize, we are  
13 now back on the motion to dismiss.

14 CONTINUED DIRECT EXAMINATION

15 BY MR. ROBERT:

16 Q. Mr. Quaintance, when we left off we were getting  
17 ready to start talking about things that you do to supplement  
18 your disability income, and I asked for you to get some things  
19 from your case, which you appear to have done. Would you tell  
20 us what you have?

21 A. This is the primary one that we can make \$30 on each  
22 one of these here that we make.

23 Q. What is that?

24 A. This is an oil lamp. It's a replica of the lamps  
25 from the Middle East. There's a common dig that people find

1 over there, they will have several hundreds of these in a  
2 house they make real regular. Of course, the ones over there  
3 aren't glazed, but they're exactly this size here. It has an  
4 oil wick in the front, and you fill it with hemp seed oil and  
5 it puts off a nice bright flame without any smoke filling the  
6 house, light enough to light this courtroom here we could  
7 probably walk around in. Like I say, we get \$30 apiece for  
8 these.

9 Q. Where do you sell them?

10 A. The members of the church come by, we sell them on  
11 the Internet. Can't hardly hang onto them, they go just about  
12 as fast as we got a load, when people find out we're firing a  
13 load they are pretty much presold.

14 Q. Okay. How many do you suppose you sell during a  
15 year?

16 A. Oh, maybe 30, it's not a large thing, you know. Mary  
17 and I have not done a lot of this here lately, really, because  
18 we're getting a little old and our eyes and stuff. In the  
19 last six months we haven't done anything.

20 Q. You have some other things there in front of you,  
21 tell us a little bit about the things you've got.

22 A. In researching I like to get my hands into what I'm  
23 doing, and the hemp weaving has been something that has been  
24 all throughout culture and history as well. And both of these  
25 types of weed are, were to demonstrate different types of

1 weaving without a loom, or prior to looming. This one here is  
2 a Swiss bias leaf that I have made for a bookmark that  
3 actually was entered in the fair, and I took second place on  
4 it, Swiss bias. You pull it this way here, it only stretches,  
5 it doesn't give any more, and this right here you can see it's  
6 real loose.

7 Q. Do you sell those?

8 A. Not really. This one here is, was to demonstrate the  
9 clothing or manufacture of clothing in early days. You have  
10 four strands on one hand, three stands on the other hand, and  
11 then this is hooked across the point and you just walk them  
12 down your finger and pull the fourth one across and give it a  
13 stretch like this and walk the other ones down and across.  
14 Early methods of weaving, basically. Like I say, I like to  
15 get hands on into my research and see how people did it.

16 Q. And any of the weaving stuff at all, is any of that  
17 for sale?

18 A. We do have a loom at home, we sell hemp twines and  
19 stuff like that.

20 Q. Mr. Quaintance, I'm going to hand you some  
21 photographs that -- I'm sorry, excuse me -- I've marked  
22 Defendant's Exhibit 6-A through 6-G. I want you to look at  
23 those briefly and tell me if you recognize them.

24 A. Yes. This is of our property there in Pima, Arizona,  
25 what we call our family-oriented monastic order. It's where



1 our, we and our children live. It's what the government had  
2 referred to in their affidavit as a compound because they said  
3 it was completely surrounded by tires and fence. And early  
4 into the affidavit for, long before they searched our place  
5 they called it a compound.

6 Q. All right. Who took those pictures?

7 A. These pictures here, myself, I took.

8 Q. When were they taken?

9 A. Just a couple of weeks ago, I would say, a week or  
10 two ago. It was right after you and your investigator had  
11 come over to our place.

12 Q. Okay. And is there much difference between the way  
13 the place looks in those pictures and the way that it looked  
14 back in February and March?

15 A. No; exactly how it looks, yes.

16 MR. ROBERT: Your Honor, I offer Defendant's Exhibit  
17 6-A through 6-G.

18 MR. MARTINEZ: No objection, Your Honor.

19 THE COURT: All right. Defendant's Exhibits 6-A  
20 through G are admitted.

21 MR. ROBERT: Thank you.

22 Q. (By Mr. Robert) Mr. Quaintance, this is, as you say,  
23 what you have characterized as your family oriented --

24 A. Monastic order.

25 Q. -- monastic order. That leads me to some questions

1 about how you're organized in the Church of Cognizance. Is  
2 there another name by which you call this place, your home?

3 A. It's an individual orthodox member monastery.

4 Q. Is there another name?

5 A. It's a cultural information center of the Church of  
6 Cognizance.

7 Q. How many other cultural information centers are  
8 there?

9 A. One other.

10 Q. Where is that located?

11 A. Hawaii.

12 Q. Hawaii, that is the place where enlightened  
13 cognizanti Daniel Jeffreys lives?

14 A. Yes, sir.

15 Q. Is he the enlightened cognizanti who operates the  
16 other cultural information center?

17 A. Yes, sir.

18 Q. Let's take a moment now and talk about that  
19 photograph that the government will now undoubtedly try to get  
20 in through you on cross-examination, which is identified as  
21 Defendant's 1, which you've seen; right?

22 A. Yes.

23 Q. That is -- tell the Court where that picture is found  
24 relative to your own website?

25 A. At the top of every page there is like banner ads, a

1 lot of website pages have banner ads on them. And that is one  
2 link that pops up, every time you open a page a different  
3 banner ad pops up into that place, one of them takes out to  
4 another website. Of course, there's a much older one that was  
5 one of our original websites. One goes out to Pop TV up in  
6 Canada, which has done a lot of religious research. That's  
7 where Chris is from, he runs that TV group up there. He's a,  
8 "Marijuana Magic Religion" is one of his books that he's  
9 written. He's quite the studied author --

10 Q. Okay. Let's talk about the link, though, to Daniel  
11 Jeffreys. And the photograph that you've seen that's a part  
12 of Government's Exhibit 1, is that on your website?

13 A. No, that's on Daniel Jeffrey's website.

14 Q. Do you have any control over what's on Daniel  
15 Jeffrey's website?

16 A. No, I do not have any of what's on his website.  
17 That's what an individual is.

18 Q. Okay. Tell me what you know about that photograph.

19 A. I know that the photograph, if it doesn't have  
20 wording that goes with it, it's kind of taken out of context,  
21 because his entire website is kind of his message. He's got  
22 his own spiritual kind of a link going on there. That  
23 photograph is of some children in Africa on a train, I believe  
24 it is, wherein the African culture, the families there, it's  
25 from the youngest child on up, uses cannabis. And I believe

1 the saying under the picture is something like "Where children  
2 are told the truth and live with love they learn not to play  
3 with guns," or something to that effect. And he's, he's  
4 basically, I think, when I've asked him about it before, he  
5 said he was just depicting the harmless nature of cannabis,  
6 not that we ourselves, you know, we wish to mitigate  
7 government's fears because we understand government does have  
8 a fear regarding child endangerment. And that's why we limit  
9 it in our pledge, that people have to agree not to -- keep it  
10 in a secure, secluded area, for one thing.

11 Q. That's a pretty scary picture, though, for somebody  
12 here that doesn't want children to be either getting access to  
13 tobacco; right?

14 A. In our culture it would be a very scary picture.

15 Q. All right. What's your opinion about that  
16 photograph?

17 A. My opinion about that photograph? In this culture, I  
18 wouldn't have it on my website. I'm the one that wrote the  
19 Church of Cognizance introduce pamphlet and the pledge, and I  
20 put in there, "In order to mitigate government's fears we  
21 agree to keep our marijuana locked in a secure, secluded area  
22 and we will not introduce minors into the religion.

23 Q. All right. Let's talk a little bit about that. What  
24 do you do in order to secure the cannabis that you come into  
25 possession of from time to time?

1       A.   We -- our house is a four-bedroom house, Mary's and  
2       mine, and right next to our bedroom, where we're clear down a  
3       hall past the kitchen, you've got to go clear, from the main  
4       entrance door you go past the first bedroom, you go into the  
5       living room area where the computer and the office area of the  
6       church is, and there's a bedroom off of that side of the  
7       living room; then go through the kitchen and down another  
8       hall, and off to the left-hand side of that hall there is a  
9       bedroom that has a lock on the door and the sanctuary on the  
10      door that has a locking knob on it so that nobody can get into  
11      that area.

12      Q.   All right.

13      A.   And that's where the scales and the other stuff was  
14      taken out of as well.

15      Q.   Okay. I'll come back to that in a moment. What  
16      control do you have over other people's -- well, let's go back  
17      to the notion of the individual orthodox --

18      A.   Member monastery.

19      Q.   Member monastery. I apologize, I'm starting to go,  
20      fuzz out a little bit myself. How, what nature of control do  
21      you have over what other people, in their own monastery  
22      locations, do with the cannabis in their possession?

23      A.   I, like I say, they sign a pledge. But the thing is,  
24      we are not called like a David Koreshian cult, or something  
25      like that, where you have this one leader instructing and

1 telling everybody "You do it my way," you know. And it's,  
2 we're a family oriented monastic orders. We believe reuniting  
3 the family unit, and as Anna had testified, from the very  
4 oldest person, I think instead of just tossing about to an old  
5 folks home, we believe they should be taken care of by the  
6 family. That middle age group, like Mary and my age, would be  
7 taking care of the elder beyond us. Our kids' age, which is  
8 happening in our monastery, are out working and they're  
9 bringing in income into our family oriented monastic order  
10 while Mary and I watch the kids while they're working. And,  
11 you know, out doing that aspect of the thing. The kids love  
12 it because they're getting to know our family. Mary and I can  
13 teach them our family's history better than some baby-sitter  
14 can, or something like that.

15 Q. All right. But you do have some rules; right? For  
16 example, a person who is a member of your church is not  
17 supposed to engage in commerce with respect to cannabis?

18 A. Yes.

19 Q. So if you find out -- you just said that you don't  
20 have the sort of Koreshian hierarchy where somebody's telling  
21 you what to do, but if you discover somebody that you believe  
22 to be a genuine, sincere member of the church, is actually out  
23 there selling dope, what would you do?

24 A. We would excommunicate them. We have an  
25 excommunication process is also described in our Church of

1 Cognizance introduced pamphlet. When somebody does something  
2 out of line that would bring scorn to our church, you might  
3 say, because they're not acting within the guidelines of the  
4 pledge that we put there, any member that's aware of that can  
5 inform the cultural information center. We send out a letter  
6 process to every registered member informing them of the vote  
7 that's going to be taken, and a two-thirds vote by the  
8 registered members would result in an excommunication of that  
9 member from the church.

10 Q. Has that ever happened?

11 A. We're in the process of it.

12 Q. Right now?

13 A. On one member, yes.

14 Q. Okay.

15 A. And we had one lady, we was getting in the process of  
16 excommunicating her and she voluntarily withdrew.

17 Q. What do you do to try and find out whether your  
18 members are abiding by the rules that you set out in, for  
19 example, the pamphlet the Church of Cognizance introduced?

20 A. Well, with monasteries across 14 states in America,  
21 it's kind of hard to monitor that, you know. We're not, we  
22 are not out proselytizing, or whatever, people, you know,  
23 they're already utilizing and stuff when they come to the  
24 church and they believe that there's another higher level that  
25 we offer as a religious aspect to it, they're recogniz --

1 they're finding out the main thing in life is extending life  
2 and to live as long life as possible, and that's one of the  
3 primary blessings we teach, which science is supporting us in  
4 that as well, and the Avesta, that's what it says all the way  
5 through, is take on the burden of death.

6 Q. All right. Suppose somebody joins, somebody happens  
7 across your website and they see that this is a church that  
8 believes that the use of cannabis is a protected religious  
9 freedom and, in fact, the person who is looking at the website  
10 is somebody who simply wants to be able to use marijuana  
11 recreationally and doesn't have the same spiritual perspective  
12 that you do, how do you try to weed out people that want to  
13 get the paperwork that you guys, the certificate of the  
14 religion?

15 A. It really seems to be regulating itself. We're a  
16 very small organization compared to the size of, like THC  
17 Ministries has over 7,000 members because it's, they've have  
18 got an open on line registration form, and like that, and they  
19 pretty much let anybody believe anything they want to believe.  
20 And a lot of people tend to have a hard time grasping what we  
21 believe in our church. Everybody I've spoken with, they, a  
22 lot, most people really call me, we visit for a little while  
23 before they join because they have a hard time conceiving that  
24 deity and plant concept.

25 Q. All right. What if you talk to somebody and you're



1 not convinced that you, that they're not just using this as a  
2 ruse, as a subterfuge?

3 A. Well, we've had some guests come through our -- Okay,  
4 where we live there's like probably 40 member monasteries, so  
5 I do perform some priestly functions there in the valley. And  
6 we've had some of those members, they come by and you can tell  
7 that they are really more into a lot of drugs than a sincere  
8 religious practice, and they don't get anything, you know,  
9 they, other than a little blessing, preaching about  
10 intoxicants and what they can do to you and your life. We  
11 don't want to cast anybody out, that's not the purpose of the  
12 church, is to try to, you know, bring people around to the  
13 right way of life. But there's two paths, the broad path  
14 through destruction and the narrow path through righteousness.

15 Q. All right. Well, let's talk about something you just  
16 said. You said that somebody who clearly is not on the right  
17 path doesn't get anything, as you put it. I assume what you  
18 mean by that is that they're not going to walk away from there  
19 with any cannabis?

20 A. Exactly.

21 Q. So that assumes that there are people who come to  
22 your monastery, your cultural information center, who do  
23 receive cannabis?

24 A. Yes; as a sacrament, yes.

25 Q. Do you sell it to them?

1 A. No.

2 Q. Tell me how that works?

3 A. Well, sometimes, it's sort of like a Native American  
4 roadman, put it this way, we do not profit out of it. The  
5 Native American roadman of the Native American Church, he goes  
6 down to Texas, he purchases it from the licensed distributor  
7 in Texas, it cost him money to purchase that. He goes and  
8 distributes it around to the different centers where they're  
9 performing ceremonies and he is reimbursed his fee or expense  
10 for what it cost him to go there and pick it up. And we, if  
11 we have to purchase it, then we would have to be reimbursed,  
12 not always, we do have a couple of medicinal people that we  
13 provide freely to, as well as provide them with hemp seeds,  
14 which cost us \$10 a pound.

15 Q. All right. So you solicit donations from people to  
16 reimburse you for the cost?

17 A. Yes, we do that as well. We receive several  
18 donations. There's been a few people that have donated some,  
19 a thousand, \$2,000 because they believe in what we're into,  
20 without receiving any cannabis. They just like, you know, the  
21 religious organization. I perform weddings and officiate at  
22 funerals, I do counseling, Mary does counseling people with  
23 problems.

24 Q. Mostly to members of the church or to --

25 A. Yeah, primarily. But if a person, you know, needed

1 or we thought my uncle, he's not a member of the church but I  
2 do a lot of counseling with him right now. He's going through  
3 a divorce and he's having kind of a hard time accepting it.  
4 He's 80 years old, he's a deacon of the Baptist Church there  
5 in town; he's very supportive of us.

6 Q. A deacon of a Baptist church is supportive of your  
7 organization?

8 A. Yes, sir. He believes this is a very sincere thing  
9 and he can't understand why we're where we are.

10 Q. Okay. But he's not a member of the church?

11 A. He is not a member of the church but he comes by  
12 every day and speaks with me.

13 Q. All right. The notion of having to buy the cannabis  
14 brings me to Timothy Kripner, who, among other things, says  
15 that there was a period of time during which he would sell you  
16 cannabis; is that correct?

17 A. That is correct.

18 Q. And where was he living during that time?

19 A. He was living in Tucson.

20 Q. And tell us about how it was that you bought cannabis  
21 from Timothy Kripner.

22 A. Well, at first we started, it was just me and Mary,  
23 and we purchased like a half a pound, like he was talking  
24 about, or quarter pound. It was fairly expensive, but it was  
25 cheaper than we were trying to get in smaller amounts

1 locally. And when you're buying smaller amounts locally,  
2 every time you buy it you're taking a chance that it might be  
3 laced with angle dust, or mold, mildew, there's a lot of  
4 contaminants in it, and we don't like that. That's why we do  
5 try to go with the larger amounts, the ones that we're assured  
6 is contaminant free. It's a little safer for everybody.

7 Q. Okay. I'll come back to that as well. When you  
8 bought from Timothy Kripner, was that the sort of situation  
9 where you necessarily need to seek compensation from people?

10 A. Yes. That would have been the case. But, actually,  
11 that was like Mary and me. And then there was another member  
12 who had been going to the Tucson area and purchasing as well,  
13 and they said, "Hey, while you're going down there to do that,  
14 Timothy had a better price, would you mind going ahead and let  
15 us go with you and see where we'll get a larger amount.

16 Q. Yes. Were you taking the cannabis that you bought  
17 from Mr. Kripner and selling it to sustain your lifestyle?

18 A. No, like I said, that amount, that's a personal  
19 amount for Mary and myself.

20 Q. All right. I'm jumping around here, but these things  
21 lead me to other places. Where this leads me right now is to  
22 the quantity that was found in the car that Mr. Kripner was  
23 driving in February of this year, it was 172 pounds. Do you  
24 know where that came from?

25 A. Yes, it come from the Guadalupe Monastery of the

1 Church of Cognizance in Mexico.

2 Q. And did you pay for that?

3 A. No, that was a donation.

4 Q. What about the -- there's an allegation that there  
5 was 300 pounds or more in the vehicle that was driven by Mr.  
6 Butts.

7 A. The same location.

8 Q. The monastery in Mexico?

9 A. Yes, sir.

10 Q. It didn't cost you anything?

11 A. No, it didn't. If it did we would probably -- if we  
12 were in the commercial market we would probably be hiding it.

13 Q. I'm sorry?

14 A. If we were in the commercial market and having to pay  
15 for something like that, and we'd be hiding, you know, I would  
16 believe that people would be very upset with losing a large  
17 amount.

18 Q. I see. Okay.

19 A. We realize there is a commercial market out there, a  
20 black market that's a very profitable black market compared to  
21 the actual value of the cannabis itself. It grows five times  
22 as much per acre as common hay would grow, and hay, you can  
23 get 100-pound bale for about \$10. So were there not a black  
24 market, that's about its value of production.

25 Q. So it doesn't cost very much more than \$10 an acre to

1 grow a fairly substantial amount of cannabis?

2 A. Correct.

3 Q. There were people who would say, "Okay, fine, Mr.  
4 Quaintance, maybe we can accept the notion that you have this  
5 belief and that you want to use cannabis, but what in the  
6 world, what in the world do you need 172 pounds, or 300  
7 pounds, or 500 pounds of cannabis for?"

8 A. Well, 172 pounds is, number one, it would really be  
9 nice to go to the ma symbol of Chinese to explain the cannabis  
10 is stored, it's like an annual crop.

11 Q. Right, and you told us about that earlier.

12 A. Yeah. And so you're, you gather it, and you store  
13 it, and you utilize it. That amount there is not enough for  
14 barely eight people for a year in a daily usage of haoma, if  
15 you're mixing it into the haoma, if you're making it into  
16 haoma.

17 Q. Consuming cannabis as haoma, is that --

18 A. That's a larger amount to receive the same effect  
19 because your body doesn't process it in the same fashion.

20 Q. In order to engage in the sacramental practice, as  
21 you envision, as you've described it for the Court, what would  
22 be an appropriate annual amount for any individual?

23 A. About 20 to 25 pounds.

24 Q. Per year?

25 A. Per person, per year.

1 Q. So 250 pounds would be enough for 10 people?

2 A. Exactly.

3 Q. And, of course, when you receive this donation of  
4 cannabis from the monastery in Mexico, who determined what the  
5 quantity was?

6 A. Him, he's sending it up, I don't tell him how much I  
7 want or anything.

8 Q. All right.

9 A. And it's, you know, the larger one that Joe had, it  
10 was on its way to a wellness center, but we do have some  
11 medicinal people that we take care of as well. The seed, we,  
12 there's a lot of people in the wellness center, they're called  
13 hemp clinics in California, and a lot of the medicinal states,  
14 instead of marijuana they got their different names for them  
15 in the different states, I guess; they use cannabis only.  
16 Cannabis only prolongs the life a little bit, but not much.  
17 It makes the death easier, I guess would be a better way to  
18 say it, it doesn't really necessarily reverse the illness.

19 Q. I'm not understanding what you mean by cannabis  
20 only.

21 A. If you're just, without the seeds and making it in a  
22 drink, like we're trying to do it in the haoma-type thing, the  
23 haoma is a nutritional substance that actually has a lot of  
24 healing properties in itself. They had in, Czechoslovakia  
25 they documented over 30 years of being the only food items

1 capable of successfully treating tuberculosis curing  
2 tuberculosis basically.

3 Q. All right. Which raises another question, Mr.  
4 Quaintance. It occurs to me, you know California has a  
5 medical marijuana law now that basically allows people with a  
6 medical need to get a recommendation from a doctor to possess  
7 and use cannabis?

8 A. Yes.

9 Q. It sounds to me, based on what you've described your  
10 own condition to be, that you might qualify for such a thing.

11 A. That may be so.

12 Q. Why not just simplify your life and move to  
13 California?

14 A. Well, we like it here in Arizona. Arizona has a  
15 medical -- we passed it, actually, decriminalization law,  
16 there in Arizona the legislature, Tubac people passed it and  
17 the legislature changed it.

18 Q. Don't misunderstand my question, you're here in this  
19 courtroom because you're being prosecuted for the possession  
20 of this cannabis.

21 A. Well, marijuana is, religion are your first healers.  
22 The monasteries is where all your first hospitals came out of.  
23 The Roman Catholic Church had St. Luke, St. Anthony, St.  
24 Elizabeth; they train their medical doctors, they use their  
25 methods of healing the people they're helping healing. And



1 the way I read the law, there's exclusions in the law of  
2 Arizona statutes, anyway, that say that you do not have to be  
3 licensed, there's an exemption from licensing a physician if  
4 its healing with hands, prayers or herbs, and this is an herb,  
5 it's a healing herb.

6 Q. I'm trying to -- the people sitting at this table  
7 don't care very much about Arizona law. What about federal  
8 law?

9 A. Federal law, I would hope that they have some sort of  
10 an exemption for religious healing.

11 Q. Well, you don't just hope. What do you know, what's  
12 your understanding of what the law says in that regard?

13 A. Well, I believe that religion is protected, and  
14 healing is one part of the religion. It's, healing is what  
15 religion is about.

16 Q. Where is religion protected in the law?

17 A. Well, in the First Amendment, for one place. The  
18 Congress shall write no law respecting the establishment of  
19 religion. The Religious Freedom Restoration Act. The  
20 Religious Land Use Incarcerated Persons Act, and the  
21 International Freedom of Religion Act, which was the last one  
22 about, Congress has had to write three times. They wrote the  
23 RFRA in '93, they wrote Guadalupe in '96. '98 they come along,  
24 they wrote the International Religious Freedom Act, stating we  
25 got to understand religious tolerance here. It's, basically

1 people have the freedom to have a religion.

2 Q. Okay. Let's talk about some of the things that were  
3 found. There was a search done on your house after you were  
4 arrested; is that right?

5 A. Yes, sir, they were pretty awful with it.

6 Q. What did they take?

7 A. There was nothing found there at our house other than  
8 some burlap bags that we denied they being there. In fact,  
9 actually it's the exact same number of burlap bags that were  
10 taken from us there in Lordsburg, showed up there, and there's  
11 no accounting for that, why just that number would be there.

12 Q. One of the things that showed up in the inventory was  
13 a scale, which I think I've heard mentioned in this hearing.  
14 Tell me about the scale.

15 A. The scales? Well, I've used those for years and  
16 years, clear back in the day of my body work. I didn't throw  
17 them away when I got done with them.

18 Q. Car body work?

19 A. Yes. You use it making paint colors. You go to a  
20 little microfilm for the year of a car, and the color code on  
21 it, and it tells you so many grams of this color and so many  
22 grams of this tint, you know it's tints that you put into your  
23 basic white paint, so that you can blend it in for the number  
24 of years for the age of the car.

25 MR. MARTINEZ: Your Honor, I'm going to object at

1 this time. I think what we're arguing now is the case in  
2 chief, the actual case. My understanding is we were just  
3 arguing, we were just presenting the facts on the motion to  
4 dismiss the indictment. Talking about the scales and the  
5 burlap bags, and now we're giving explanations as to the case,  
6 the issue of guilt or innocence.

7 MR. ROBERT: My understanding has -- that's sort of  
8 ironic considering Mr. Quaintance has been confessing to  
9 crimes for the last half hour, but my understanding is, as one  
10 of the things the government's saying, is that that scale is  
11 evidence, not of a religious use, but of commerce. I think  
12 Mr. Quaintance has the right to explain in contradiction to  
13 that assertion.

14 MR. MARTINEZ: It wasn't in the dismissal motion.

15 THE COURT: I think that there was mention in the  
16 submissions about scale. And I think it's fair for the  
17 defendant to cover this territory. I will ask, however, that  
18 you try to focus your questions so that the answers are a  
19 little bit more focused as opposed to rather lengthy  
20 narratives that we're getting.

21 MR. ROBERT: All right, I'll try to move things  
22 along, Your Honor.

23 Q. (By Mr. Robert) What else do you use the scale for?

24 A. I was doing some work with a magnetic motor control  
25 rotation, and I was measuring the forces of energy. I have

1 magnets glued to one side of it.

2 Q. One side of the scale?

3 A. One side of the scale there, yeah. It was a  
4 dialogram, that would be the only house dialogram. The other  
5 scales we have are postage scales, and I do buy and sell  
6 things on E-Bay, we have an E-Bay account, and you have to  
7 weigh your things. And, of course, if you were purchasing the  
8 sacrament you would want to know that you're getting what you  
9 paid for.

10 Q. If who was purchasing the sacrament?

11 A. We.

12 Q. Okay. You're not talking about -- do you use that  
13 scale to measure cannabis to sell it off?

14 A. No, when I was doing formulations of coming up with  
15 what we thought would be a proper amount in your bud-to-seed  
16 ratio in the soma haoma.

17 Q. So in determining the ratio of components for haoma,  
18 you use that to measure weight?

19 A. Yes.

20 Q. All right. We've heard mention of, I think the  
21 number mentioned was five car rentals that were accomplished  
22 in your household over a period of time. What do you know  
23 about that?

24 A. Well, for awhile there that, the car that the  
25 government confiscated on us, I had the heads off of it

1 because the block had blown a head gasket. I had replaced  
2 it. It was down for a couple of months. Two or three months  
3 we rented a couple of cars, a couple of times there when --  
4 we've never had very dependable vehicles. And if we have to  
5 go out of town to Tucson we rent a car. My daughter has  
6 rented a few of those, it's her name that's on them because  
7 she's taking her child there. We've taken my grandson down to  
8 Tucson on a couple of different occasions. There, those cars,  
9 if you'll look at the rental agreement on them, they're local  
10 use only, you can't take them out of state.

11 Q. Okay.

12 A. Arizona doesn't allow out-of-state transportation  
13 with them.

14 Q. Are you familiar with the Myers case?

15 A. Briefly.

16 Q. We've talked about that, hadn't we?

17 A. Yes, it's the Tenth Circuit Court of Appeals  
18 standards of what qualifies as a religion, or what was  
19 established. I don't know that it's proper to say that the  
20 government has established what's a religion or not, but  
21 that's what it has been determined that you have to come up.

22 Q. Let's talk about those criteria that -- and I'm not  
23 going to argue the point now.

24 A. I make that point to as, if I get a little confused  
25 right now, I do have the problem I was explaining to you the

1 other night about my pancreatitis. I go into sugar levels and  
2 it causes confusion sometimes, so I feel a little confused.

3 Q. Are you doing okay right now?

4 A. Kind of sweating a little bit, and adrenal gland  
5 feels a little large.

6 Q. Will you let me know if you feel you can't answer  
7 questions?

8 A. Yes.

9 Q. All right. Thank you?

10 A. I'll try to.

11 Q. I want to go down the list of the things that the  
12 Tenth Circuit, in Myers, says should be the criteria for  
13 determining what a religion is. And again, I'm doing this by  
14 stipulating that we agree that that criteria is appropriate,  
15 but let's talk about it. One of the things that that court  
16 said was whether, that religious belief often deals with  
17 questions of life or death and the purpose of life,  
18 fundamental and ultimate questions having to deal with deep  
19 and imponderable matters. Would you briefly, without going  
20 into a long dissertation, tell the Court how the Church of  
21 Cognizance meets that criteria?

22 A. Deep and imponderable measures? That's like how far  
23 out is out, or just --

24 Q. Well, let's narrow it down to the purpose of life,  
25 the nature of life.

1       A.    The purpose of life is to live a good life and help  
2       others.  You start as a seed and you grow from that point, and  
3       you expand in knowledge and wisdom and, hopefully, on a right  
4       path, a narrow path, to the longevity, to the longest life  
5       that you can live.

6       Q.    In many religious traditions, when somebody dies,  
7       remember we talked about this with Dr. Pruitt, when somebody  
8       dies the religious traditions believes that a soul lives  
9       eternally.  And in some religious traditions there's a heaven  
10      or a hell, or a place that the soul goes to spend that  
11      eternity.  Tell us if, tell us what your religious beliefs  
12      talk about in terms of life after death, if any?

13      A.    At that time -- when I was younger I believed in a  
14      heaven and a hell, it was kind of a scare tactic of religion  
15      in my eyes, and today I seek the truth in life, and I don't  
16      see that there is an after life.  I don't believe that I  
17      should go out and commit atrocities during this life, and by  
18      the faith and belief in something else, then all of a sudden  
19      I'm protected and granted eternal life in another realm.

20            Some members believe in that, that part of the  
21      individual, it's our individual orthodox members monasteries,  
22      they have the right to their own individual belief in that  
23      respect.  We each have the belief, though, in the teacher,  
24      provider, protector, and we unite together.  That is what  
25      forms a Church of Cognizance, is those individual orthodox

1 monasteries joining together. I don't tell them or dictate to  
2 them whether they have to believe in a heaven or a hell, or  
3 anything to that aspect.

4 Q. All right. The next thing that the court says in  
5 Myers is it talks about metaphysical beliefs, in other words,  
6 that there are spiritual forces in the world.

7 A. I have that.

8 Q. All right, let's talk about that a little bit.

9 A. I believe in a karma aspect. Basically, if you have,  
10 if you have a lot of people thinking bad about you you're  
11 going to get bad -- in fact, I believe I touched on that  
12 earlier actually. I believe that would be the metaphysical is  
13 the karma aspect. And Mary and I, we, cannabis has helped us  
14 focus before. When I was in college we got a book on how to  
15 develop your mind and it gave a little experiment to use in  
16 spinning a piece of paper by folding it in corners and putting  
17 it on a little axle-type thing to remove the resistance so you  
18 can build faith in what you're trying to do because faith can  
19 move mountains. We were able to do that.

20 Q. I asked you about this another time, and I'll ask you  
21 now, is cannabis or haoma an entity to which you pray to seek  
22 intercession, for example, in --

23 A. Yes, I have, all through this whole hearing I pray to  
24 haoma to overwhelm the malice and counter the lies. That is  
25 one of the verses in the Evasta --



1 Q. I'm sorry.

2 THE COURT: Both of you need to wait for the other to  
3 finish speaking. I really would like to hear all of your  
4 questions, just like I'd like to hear all of your answers.

5 MR. ROBERT: I'm sorry, Judge, I think it's getting  
6 late in the day and I'm running right into his answers.

7 Q. (By Mr. Robert) The underlying question, I guess, is  
8 do you believe that cannabis or haoma is in the nature of a  
9 spiritual force that has the ability to accomplish things in  
10 the physical world?

11 A. That's been my experience with it. I believe that it  
12 is. When I ask for a boom, it might be said, I quite often  
13 receive an answer. This morning I was in the room and I got  
14 up and said haoma, it, to me, I look at signs and things, and  
15 I seen a sign that was telling me, you know, I'm going to be  
16 with you in the courtroom today.

17 Q. All right. Well, the next thing that, the criterion  
18 that is listed in this case is sort of titled "Moral or  
19 Ethical system." I think you've talked about that a lot  
20 today, but just, talk for just a moment about sort of  
21 encapsulate, if you could, what the Church of Cognizance  
22 believes is a moral or ethical system by which people should  
23 live their lives, people that are members of the church.

24 A. Quite simply boils down to having good thoughts,  
25 producing good words, producing good deeds. I incorporate

1 that into wedding ceremonies to advise the couples if they  
2 want to have a long, happy married life, that they should  
3 maintain good thoughts with their partner, and good works  
4 towards them, and do good deeds towards them. And we believe  
5 that any action that were to create a victim, you know, is a  
6 punishable offense.

7 Q. Well, and some people would say, we look at more  
8 traditional religions, for example, in the Christian  
9 tradition, or I suppose even in the Judaic tradition, there  
10 are the Ten Commandments; right?

11 A. Yes.

12 Q. There aren't even ten words in good thoughts, good  
13 words, good deeds?

14 A. I believe it probably pretty well covers all Ten  
15 Commandments.

16 Q. I suppose that it does. But one of the things it  
17 doesn't do is provide a lot of specific guidance as to what  
18 somebody should do, I think that was the point of --

19 A. There's not much more than that inside the  
20 Zoroastrian religion. As far as I've seen it, that's the  
21 primary goal is there is teaching in every -- it's divided  
22 into a lot of different groups there, but it's like written  
23 over at different times, sort of like Matthew, Mark, Luke and  
24 John are just different stories about the same era of Jesus'  
25 teaching, it's, most of the books of the gospel is just a

1 different era and using different words to describe the same  
2 basic rewards that you can see from cannabis, that you can  
3 expect from utilizing cannabis.

4 Q. All right. Some religious traditions say don't eat  
5 pork, some say don't eat meat on Friday, others have other  
6 dietary or clothing kinds of restrictions; does the Church of  
7 Cognizance have anything of that nature?

8 A. There's no clothing restrictions. The Baptist Church  
9 doesn't, the Methodist Church doesn't. I don't believe that's  
10 mandatory that we would dictate how a person would dress.  
11 Diet, we would prefer that everybody would eat hemp seeds, you  
12 know, use haoma, because that is the ultimate diet of  
13 longevity.

14 Q. The next thing that the Myers court talks about is  
15 what they call comprehensiveness of beliefs, and the idea  
16 there is that the belief system isn't just directed at one  
17 specific issue and, you know, possibly the government argues  
18 here that you're only about cannabis, you're not here to talk  
19 about anything else. You don't have answers to any other  
20 questions, you're just here to talk about cannabis. And this  
21 criterion talks about whether your cosmology, whether your  
22 theology comprehends a broad array of human issues. Would you  
23 talk a little bit about that?

24 A. I believe cannabis is pretty much at the center of a  
25 broad array of human issues today that people are just not

1 recognizing. It's a provider of every substance, everything  
2 needed by mankind is provided by that plant, that's why we  
3 call it the provider, from clothing, to fuel, housing. I  
4 could be building a house. If I planted one acre of that I  
5 would be able to not only feed ten members of my family with  
6 the seeds off of it, I would be able to break that down and  
7 use the fiber to make the clothing for them to wear for years  
8 to come, and I would be able to use what was left in building  
9 a house.

10 Q. All right. And I actually think that some of what  
11 you said already today covers a lot of, I think, what this  
12 criterion addresses. The last thing that is mentioned in this  
13 connection is the thing called accouterments of religion and,  
14 you know, in their most obvious manifestations we're talking  
15 about things like churches, and steeples, and crosses, and  
16 books, and the things that are specifically mentioned here.  
17 The first one is a prophet, teacher; would that be you?

18 A. That's what most of the members of the church  
19 consider. I have had quite a few people, even not in ours but  
20 in other religions of the cannabis movement, consider me a  
21 prophet or speak of it that way. I consider myself an  
22 enlightener. I try, I've always, all my working life I've  
23 always been a leader of people, and I, I do a lot of  
24 counseling and give people advice.

25 Q. You don't consider yourself a deity, do you?

1           A.    No, no way.

2           Q.    Okay.  In important writings, and obviously in the  
3   Christian faith, the Bible, in the Islamic faith, Koran; what  
4   serves that function in the Church of Cognizance?

5           A.    Right now it's, as it says in our Church of  
6   Cognizance introduced, our scripture is a work in constant  
7   progress and we have the neoZoroastrian Book of Cognizance  
8   expanding volume of wisdom, cognizance of wisdom.  And it  
9   starts with the basics of what persons should know about the  
10  religion.  There's the Osma, translated by me, 9 through 11,  
11  because number 9 speaks basically of the benefits to be  
12  derived; 10 speaks of what it looks like, where it's found; 11  
13  is the praises to it.  And that's the primary of the religion  
14  there.  But it's also, other, the Bible has good parts in it  
15  that, and good lessons there as well to be learned, and  
16  there's lots of things to be learned, and that's what we're  
17  saying is, it's a work in constant progress.  We shouldn't  
18  stop our knowledge and just stagnate there, we have to grow.

19          Q.    You gave me this thing that I'm holding here, which  
20  I'm not introducing, at least at this point, and it contains a  
21  bunch of different writings.  This isn't what you consider to  
22  be sort of the Bible of your church; is it?

23          A.    Basically.

24          Q.    Really?

25          A.    Yes.  It's the starting.

1 Q. It contains what?

2 A. It contains the, like I said, the Osma, 9 through 11,  
3 and then it contains the archeological discoveries. It  
4 contains some writings of Dr. Robert Melamede, and the recent  
5 scientific discoveries of cannabis's link to homeostasis of  
6 the human body. Because our goal is truth, cognizance of the  
7 truth, awareness of the truth. It's a truth-based religion  
8 where we seek longevity, we seek to live the longest,  
9 healthiest life within our means. It's a narrow path to that.

10 Q. Now earlier in your testimony today you described a  
11 bunch of things that you read in order to help you gain  
12 knowledge of what you were seeking in terms of your spiritual  
13 path. Would those things also constitute writings on which  
14 the Church of Cognizance --

15 A. Yes. We promote all of the people to seek,  
16 constantly seek things, and especially the enlightened  
17 cognizanti, ordained cognizanti, when they find any of those,  
18 anything that is truthful, not just hocus-pocus, but it has  
19 great value in life, in extending life or making family better  
20 in promotion of the family life, that should be brought into  
21 the wellness or to our website cultural information center.  
22 We have forms up there for discussing those issues. So that's  
23 actually part of our unit of facilitating life and of the  
24 members.

25 Q. All right. The next thing that they talk about are

1 gathering places and, of course, again, in the big religious  
2 traditions there are big churches and cathedrals built to  
3 honor God. You don't have a central place where the members  
4 of the church congregate on a regular basis?

5 A. No, we do -- I have a Quaker background, up to my  
6 grandfather, and it's like the Friends society, another  
7 member's house is just as good a meeting place as anyplace  
8 else. Our place is quite regularly used as a meeting place  
9 because we do have a large living room, we've had 50 people in  
10 there at a time. We performed a wedding there. We've got a  
11 couple piano and organ and musical instruments, and stuff. We  
12 are in the process of building a larger gathering area with  
13 those tires, that's the purpose of those tires down there. We  
14 started stacking them, because we don't believe in putting our  
15 money into a fancy steeple and then let the people go hungry  
16 in our area. We'd rather take care of the needs of those  
17 people.

18 Q. Once again, drawing on the kinds of things that you  
19 see in mainstream religious traditions, one of the criteria  
20 under accouterments is keepers of knowledge, and like I said,  
21 you talk about priests, and so did Dr. Pruitt, in  
22 distinguishing faith-based and, excuse me, experience-based  
23 religions, but keepers of knowledge, within your religious  
24 tradition, within your religious context, again, would that be  
25 you and the other enlightened cognizanti?

1       A.    Yes, that is the enlightened cognizanti level would  
2 be keepers of knowledge.

3       Q.    And you're not the only one of those?

4       A.    I'm not the only one of those.

5       Q.    Ceremonies and rituals, again, I'm sure that this  
6 addresses the sorts of mainstream things that, you know, every  
7 Sunday people go to church, some churches have Wednesday  
8 service, some churches have regular baptismal, various  
9 sacramental processes as a part of their tradition.

10      A.    The Church of Cognizance religion is a religion  
11 that's practiced, put into practice, and that's what we do.  
12 We put our religion into practice, and it's an  
13 experienced-based -- I would, according to the way you were  
14 describing the other day, I would classify it more as an  
15 experienced-based religion.

16      Q.    All right. Structure or organization, I think we've  
17 pretty well covered that. Holidays, are there any holidays in  
18 particular?

19      A.    The soltic, there's a soltic cycle, it's based upon  
20 the Egyptian calendar. There's a point when the moon lines up  
21 with the star Sirius, which line up, which is the bright  
22 morning star and lines up with the sun, morning sun, all  
23 coming up, they're in perfect alignment. When that event  
24 occurs, that is the time if you were to, in the ancient days  
25 you would have planted your seeds, that's what the ancient



1 magi -- and then they knew that was the time to put your seeds  
2 in the ground, from seed to seeds.

3 Q. Okay. Does the Church of Cognizance celebrate that  
4 as a holiday and, if so, how?

5 A. Not really.

6 Q. Okay.

7 A. That's an honored time. I mean a lot of people in  
8 this religion do join together for Soltices, I guess you call  
9 them, the longest day of the year, the shortest day of the  
10 year.

11 Q. Diet or fasting, again, a component of some but not  
12 all religions.

13 A. Diet is the hemp seed, soma, haoma.

14 Q. All right. Appearance and clothing, is there any  
15 particular manner of dress that is required or proscribed by  
16 --

17 A. Appropriate for the occasion.

18 Q. All right. And the last thing that's mentioned here,  
19 again, this draws from sort of the structure of the more  
20 generally recognized religions, is propagation, and by that I  
21 think is meant proselytizing. In fact, the case says this is  
22 sometimes called mission work, witnessing, converting or  
23 proselytizing. I guess the idea is if somebody believes that  
24 they have a powerful spiritual answer to questions, then it's  
25 natural to want to communicate that answer to others, because

1 if it's the right answer I want everybody to know about it.  
2 So to what extent is that a part of your --

3 A. That's our website. That's the purpose of the  
4 website. It speaks to the entire world. And this is getting  
5 quite a bit of attention, really. It's had quite a few  
6 visitors.

7 Q. Since the arrest or just generally?

8 A. Since the arrest, yes, a lot more than it had  
9 before.

10 Q. All right.

11 MR. ROBERT: Your Honor, I --

12 A. I speak with everybody that I come in contact with.  
13 I do proselytize to that extent. That's why my uncle supports  
14 us, because he believes in what I'm telling him is really  
15 beneficial.

16 Q. Okay.

17 MR. ROBERT: I pass the witness, Your Honor.

18 THE COURT: Mr. Martinez?

19 MR. MARTINEZ: Yes, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. MARTINEZ:

22 Q. Mr. Quaintance, you don't have a degree in  
23 anthropology, do you?

24 A. No, sir.

25 Q. Or linguistics?