

1 THE COURT: All right. We're on the record in U.S.A.
2 versus Quaintance, CR-06538.

3 MR. MARTINEZ: Louis Martinez and Amanda Gould for
4 the United States.

5 THE COURT: Good morning.

6 MR. ROBERT: Marc Robert on behalf of Daniel
7 Quaintance.

8 MR. ALMANZA: Good morning, Your Honor. Steve
9 Almanza on behalf of Mary Quaintance. I'm filling in for
10 Mario Esparza, who had a family emergency.

11 THE COURT: All right, thank you.

12 MS. SEDILLO: Good morning, Your Honor. Bernadette
13 Sedillo on behalf of Joseph Butts.

14 THE COURT: All right. We're here on Danuel Dean
15 Quaintance's motion to dismiss.

16 MR. ROBERT: A couple of things before we start.

17 THE COURT: All right.

18 MR. ROBERT: If it please the Court. The government
19 brought to the attention of the Court last week that two of my
20 witnesses -- all of my witnesses are present in the courtroom
21 right now -- might be in a position of incriminating
22 themselves should they testify. The Court appointed counsel
23 for each of them. Mr. Singer has had an opportunity to
24 consult with counsel, Miss Dibble will consult with Miss
25 Robins shortly, as I understand. It's my intention to

1 generally inquire from each of them of their membership in the
2 of Church of Cognizance and to describe for the Court, if you
3 will, the spiritual journey by which they got to that
4 membership and their beliefs and their, well, like I say, how
5 they got there. It's not my intention to ask them questions
6 about whether they presently use marijuana, in an answer to
7 which question could expose them to prosecution, at least for
8 misdemeanor possession. It's my contention that any such
9 questioning would be irrelevant except as to establish if
10 somebody is intoxicated as they sit in the witness chair. And
11 so I'm asking Your Honor to consider in limine the idea that
12 these witnesses, Miss Dibble and Mr. Singer should not be
13 questioned about things like their use of cannabis or
14 distribution of cannabis, or anything that might cause them to
15 be exposed to criminal liability, because I don't think it's
16 relevant to what we're here to talk about.

17 We're here to talk about whether or not Mr.
18 Quaintance, Miss Quaintance and Mr. Butts hold a sincere
19 religious belief. I believe that Mr. Singer will give his
20 testimony about their involvement with the church. And their
21 spiritual connection to the church is relevant, but I don't
22 think it's relevant to talk about those other matters that
23 might expose them to criminal liability.

24 THE COURT: Any response, Mr. Martinez?

25 MR. MARTINEZ: Yes, Your Honor. The issue is

1 sincerity in religion, Your Honor. Part of the sincerity,
2 part of whether or not the beliefs of the Quaintances are
3 religious revolve around whether or not this possession and
4 transportation of marijuana was done as a result of commerce,
5 as a result of making a profit. It's our contention that
6 their beliefs are not sincere and they are not a religion, and
7 that their attempt to possess in such large amounts of
8 marijuana was an attempt to sell the marijuana and to move it
9 in commerce, which goes against the sincerity. I believe it
10 is not sincere and, therefore, we were going to be asking Mr.
11 Singer about commerce, about marijuana, about the sale of
12 marijuana, about the acquisition of vehicles to be moved, in
13 which marijuana would be moved. We would be asking him about
14 the use of marijuana.

15 He also talks about sacrament. We're going to ask
16 him about the use of the sacrament, the use of the sacrament
17 as deity. Those are all issues fully related to the matter at
18 hand. And, therefore, we believe we should be allowed to
19 question Mr. Singer on these matters. They're totally
20 relevant and they're totally pertinent as to the issue of
21 religion and sincerity.

22 THE COURT: Anything further, Mr. Robert?

23 MR. ROBERT: I disagree with counsel's assessment of
24 the relevance and suggest that each of these witnesses would
25 have the opportunity to selectively invoke the Fifth

1 Amendment, which is permissible as long as that selective
2 invocation does not distort the truthfulness or the truth of
3 the testimony that is relevant. And so I would ask Your Honor
4 to at least keep an open mind about whether or not each of
5 these witnesses should be permitted to invoke the privilege as
6 to those things. Whether or not they sincerely believe in the
7 things that they've declared in the statement that I've
8 already provided to the government, in which I expect them to
9 testify to, doesn't depend on whether they used cannabis last
10 week or last month or last year. And certainly no questions
11 -- they're not charged with conspiracy, they're not accused
12 of having any involvement in the things that Mr. Martinez
13 described, and so I think it's nothing more than a fishing
14 expedition on the part of the government and certainly
15 irrelevant to the things that they're here to talk about,
16 which include the legitimacy and sincerity of what they
17 believe.

18 THE COURT: Okay. Well, I see your point but I'll
19 just listen to the testimony and see where we go. It's
20 difficult for me to conclusively decide the issue of relevance
21 without putting it all into context. So I understand your
22 point and we'll just see how it plays out.

23 MR. ROBERT: The other thing I wanted to raise with
24 the Court is the question of the testimony of the expert that
25 the government has indicated an intention to call, Dr. Bagne.

1 It's my understanding that Dr. Bagne, who is a Zoroastrian
2 priest, is going to testify that my client's beliefs don't
3 comport with his. It strikes me as being a little bit like
4 what the situation might be if an Evangelical were to come
5 here to describe why Catholics aren't entitled to the
6 Evangelical's view of the afterlife. I think what will
7 develop is that there are a number of different sects or
8 segments of belief systems derived from ancient Zoroastrian
9 traditions. This fellow, I guess, is going to testify that
10 what Mr. Quaintance has espoused is not what he believes. But
11 that doesn't matter, and it's certainly not relevant to the
12 question of what Mr. Quaintance believes, or his practice, is
13 a sincere religious practice. It doesn't make sense for a
14 person not one sect, to criticize the beliefs of a person from
15 a different sect, if you will. And that's essentially what we
16 have going on with Dr. Bagne. I think his testimony is
17 irrelevant and I ask that he not be permitted to testify.

18 THE COURT: Again, I'll allow him to testify. I'll
19 just see how it plays out. I think it's my job to evaluate
20 the testimony, and so we'll proceed with all the testimony and
21 I'll render my decision based on the law and the facts.

22 MR. ROBERT: Thank you.

23 THE COURT: Are we ready to proceed?

24 MR. MARTINEZ: Yes, the government is ready.

25 MR. ROBERT: Yes, Your Honor.

1 THE COURT: All right. Mr. Robert.

2 MR. ROBERT: Shall we start with witnesses, Your
3 Honor?

4 THE COURT: Let's go ahead. I've read the briefs, so
5 if there's anything you want to say before you begin with the
6 testimony you're welcome to do so. I don't think I need to
7 hear anything unless you just have something you want to say
8 that's not in the briefs. Otherwise I'm ready to hear the
9 testimony.

10 MR. MARTINEZ: The government invokes the rule.

11 THE COURT: All right. The government has invoked
12 the rule, which means that any individuals who are in the
13 courtroom who may be witnesses will have to wait outside of
14 the courtroom and we'll call you when your testimony will be
15 necessary. And, of course, I'll ask counsel to keep an eye on
16 who enters the courtroom to make sure we don't have any
17 witnesses in the courtroom.

18 MR. ROBERT: Your Honor, I have an interesting
19 question.

20 THE COURT: All right.

21 MR. ROBERT: A fellow I have standing up is a guy
22 named Brian Krum. And I think one thing that we need to make
23 clear today, and I've talked with Mr. Martinez about this, the
24 whole RIFRA equation consists of two parts; the first is
25 sincere religious practice and substantial burden.

1 Substantial burden the government has already conceded.

2 The second part, if we get to that point, is going to
3 address the notion of a compelling government interest and
4 whether or not what's happening is the least intrusive means
5 of accomplishing that. Mr. Krum may be a witness if it comes
6 down to the second part of the hearing, but he's not going to
7 be testifying at this point. He's expressed an interest in
8 being here and, in abundance of caution, I would put it to the
9 Court, and maybe to the government, as to whether or not he
10 should leave. We may not get to that hearing, and if we do
11 it's going to deal with separate issues. I'd ask that he be
12 allowed to stay but I'll leave it to the Court.

13 THE COURT: All right. Let me ask what the
14 government's position is?

15 MR. MARTINEZ: I think out of an over abundance of
16 caution, I ask that he be treated as any other witness.
17 Transcripts will be available later for his perusal, so I
18 think it would be best to treat him as a potential witness in
19 future.

20 THE COURT: All right. It's my view that the rule
21 having been invoked, I think the witness will have to wait
22 outside of the courtroom.

23 Please come forward. Before you take your seat,
24 however --

25 MR. ROBERT: Your Honor, I'll call Dr. Deborah

1 Pruitt.

2 THE COURT: All right.

3 DEBORAH PRUITT

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

6 DIRECT EXAMINATION

7 BY MR. ROBERT:

8 Q. Please tell us your name?

9 A. Deborah Pruitt.

10 Q. Dr. Pruitt, what do you do for a living?

11 A. I am a cultural anthropologist and I'm employed, I'm
12 a tenured professor at Laney College in Oakland, California,
13 and also am associate at the Western Institute for Social
14 Research in Berkeley, California.

15 Q. Would you briefly describe for the Court your
16 educational background?

17 A. I earned my doctorate at the University of California
18 at Berkeley in 1993. Part of that educational process
19 included my field research, and I spent two years living in
20 Jamaica where I worked mostly with government and
21 nongovernmental organizations in community development and
22 spent time with local groups, two of which were Rastafarian
23 groups that had started schools for their children, and some
24 Dutch and Jamaican government development projects in the
25 rural areas.

1 I have conducted research in community development
2 and organizations, and public policy around those issues. And
3 have published my research on women and family law in Jamaica
4 on the impact of tourism as a policy for development in
5 Jamaica, and on ethics and relevance in teaching anthropology
6 and working on some pieces on ethics and cultural pluralism in
7 the professions, in teaching dental professions and medical
8 professions. And now I'm currently working on a piece on
9 religious use of drugs to publish.

10 Q. You indicated that you got your doctorate in 1993
11 from the University of California, Berkeley?

12 A. Right.

13 Q. And your Master's?

14 A. From there also.

15 Q. And when was that?

16 A. I was awarded that in '87.

17 Q. And your undergraduate degree?

18 A. At the University of Maryland, in anthropology, in
19 '86, was when it was. It seems like a long time ago now.

20 Q. All right. Would you tell us a little bit about the
21 work that you've done in the anthropology of religion?

22 A. Well, it really came primarily as a result of
23 teaching, and as I've been teaching anthropology, I teach a
24 course called magic, witchcraft and religion, which is the
25 essentially the anthropology of religion. It's a general

1 introductory course where we survey religious practices across
2 the world and explore all of the questions of what is
3 religion, what counts as religion, how do we decide that,
4 who's deciding that. And so, and then the various practices
5 and beliefs that people hold throughout the world that fall in
6 the category of something that most people call religion. So
7 through that I've surveyed the literature in anthropology and
8 sociology and philosophy, and religious studies, to thoroughly
9 understand the cross-cultural and pan-historical accounts of
10 religion.

11 Q. Could you be a little more specific about your survey
12 of the literature and talk to us a little bit about the
13 breadth of the research that you've done to prepare you to
14 teach this course?

15 A. Well, the easiest way for me to think about this is
16 the way that I sort of teach the subject, which is, we begin
17 with the general discussion of religion. And I have to keep
18 sort of putting quotes around that word because that very
19 concept, we deconstruct that term in the very concept of
20 religion and what it is. If you're looking at trying to
21 understand the human experience as anthropologists do, then we
22 have to understand how people all over the world, in various
23 cultures, understand who they are and how to live in the
24 world. And so as we think of religion in our culture, that's
25 one component of that. But we then have to understand what

1 that really means in the very different definition of reality
2 in the very different culture.

3 So we spend the first -- the literature that I work
4 with is the anthropological literature that explores how one
5 understands themselves in relation to the world and the cosmos
6 and their society. And that often gets labeled as religion.

7 And so then we move through various aspects of what
8 gets counted in this area. So myth and symbolism and how
9 people, the symbolic ways that people encode their
10 understanding of who they are and how they should live.

11 Ritual, as the, as the practice of what people
12 believe about who they are and how they should live, and how
13 to connect with the mystical forces that they understand to be
14 definitive of the world, and who they are.

15 We look, you know, at the literature that I've
16 covered is around various specific cultural practices, so the
17 use of magic and religious groups that focus on the use of
18 magic, such as Wicca and neo-pagans, as well as Trobriand
19 Islanders, and people in the South Pacific, and the way they
20 understand magic, and the relationship of mystical forces and
21 how to connect with them. Then various methods for connecting
22 with spiritual forces. So the use of magic, divination,
23 spirit trances of various sorts, spirit possession and vodou.

24 Then the psychoactive substances that people call
25 drugs, shamanic journey, that's sometimes a product of a

1 psychoactive substance, but often use of rattling or drumming
2 to enter an altered state of consciousness, and so on.

3 And then, of course, looking at the sort of
4 relationship between a scientific understanding of the world,
5 I'm sort of shifting gears here now, expanding a span of
6 literature that I work with, science and religion and what the
7 different ways of understanding reality are and how they are
8 related, are distinct and what science has to say about
9 religion and religious experience, and theology in these
10 areas. And then examination of new religious movements,
11 revitalization movements and religious change; globalization,
12 the impact of globalization. That's a very fast survey of a
13 broad range of literature on this topic.

14 Q. In the course of your investigations in this regard,
15 have you also examined in the literature, not only religious
16 practices currently worldwide, but also religious practices
17 back in time --

18 A. Sure.

19 Q. -- is that a part of the research that you've done?

20 A. Yes. As an anthropologist, you know, most people may
21 understand cultural anthropology as a study of different
22 cultures, so it's comparative cross-culturally, so it's
23 comparative historically. So, of course, any one individual
24 is limited to what they can actually do in one lifetime. But
25 it also, you know, involves a historical perspective, and I

1 have looked at that to some extent in certain religious groups
2 and social societies, and certain topics; and the area of
3 psychoactive substances is one of those.

4 Q. Let's talk a little bit about that, and tell us if
5 you could, specifically the sorts of academic research or
6 inquiries you've made with regard to that subject, the use of
7 psychoactive substances related to practice. You said that
8 you're working on a piece for publication at this time, could
9 you tell us a little bit about that?

10 A. Well, one of the things that is interesting when you
11 look at indigenous societies, it's very easy to understand
12 when you're seeing the practices that involve psychosubstances
13 and shamanic use of those things, then it's easy to assume
14 that this has been a longstanding practice. But there are
15 areas of societies where those practices have been lost or
16 have been eliminated through state organizations, and so
17 forth. So, where you see most of the historical evidence of
18 the use of these substances that is no longer in place in
19 those societies, is in various aspects of Hindu religions,
20 some Buddhist religion groups, and in ancient Christianity and
21 Judaism, and early Christianity, I should say. And the Greek
22 religion, the allegation rights. So in early Greek and Roman,
23 and that area of the world, saw -- there's much historical
24 evidence of the use of psychoactive substances that is no
25 longer a dominant practice in their society. So you have to

1 look back at it historically to understand it.

2 Q. All right.

3 MR. ROBERT: Your Honor, I would offer Dr. Pruitt as
4 an expert in the anthropology of religion, and also, more
5 specifically, the anthropological aspects of the use of
6 psychoactive substance.

7 Q. They're also called entheogens in this context,
8 aren't they?

9 A. Right.

10 Q. In religious practice.

11 A. Can I just say something about the word entheogen?
12 It was introduced as --

13 THE COURT: Hold on one moment, please.

14 MS. GOULD: We have no objection to that, Your Honor.

15 THE COURT: All right, Dr. Pruitt will be, her
16 testimony will be admitted offered as expert testimony in
17 anthropology, religion, and psychoactive --

18 Q. (By Mr. Robert) Tell us about the word entheogens,
19 which I learned only after starting to work on this case.

20 A. Well, it refers to, in connection with the spirit
21 within, and a Greek word. And it's used specifically for
22 this, these, this practice, for the use of substances for a
23 spiritual pursuit. And I think folks have widely adopted it
24 because it helps to make the distinction between the use of
25 the word drugs, which is used very broadly to refer to things

1 that are coming from pharmaceutical companies, as well as
2 things that come from natural plants and things that are
3 considered legal or illegal, and so on. So the word entheogen
4 is used specifically for the practice, the spiritual practice
5 that --

6 Q. All right. Well, let's start -- let me do one thing.

7 MR. ROBERT: May I approach, Your Honor?

8 THE COURT: You may.

9 Q. (By Mr. Robert) Is this your curriculum vitae?

10 A. Yes.

11 (Defendant's Exhibit 1 was marked.)

12 MR. ROBERT: I would offer Dr. Pruitt's CV as
13 Defendant's Exhibit 1.

14 THE COURT: Any objection?

15 MS. GOULD: No objection.

16 THE COURT: All right, Defendant's Exhibit 1 is
17 admitted.

18 Q. (By Mr. Robert) Let's start big, broadly. From your
19 perspective in understanding that the law may take a different
20 approach to this particular question, what is a religion?

21 A. It is the big question. All right, from my
22 perspective, it is used, that word is used in many different
23 ways and it's really important to be aware of that so that
24 we're, and we can use the word religion to refer to
25 institutions, you know, beliefs and practices that are

1 embodied in institutions and in text. And I think, because of
2 most of our cultural background, that's the way most of us
3 tend to think about religion, in various concrete and
4 established organization.

5 When one explores what's really going on in various
6 cultures around the world, it becomes really clear that that
7 is a very culturally specific way of understanding religion.
8 And so I, at times I talk about not even using the word
9 religion because, in fact, one of the scholars that I rely on,
10 anthropologist Dorothy Lee, has written quite eloquently about
11 how many cultures don't even have a word for what we call
12 religion, because in a culture that's way of life is a
13 spiritual communion, it's the way of being in the world, or at
14 least it's the desired way of being in the world. So that the
15 offering made with planting corn is what many of us might call
16 a religious act because it's done in a manner of attention
17 toward some spiritual forte, yet it's in the cornfield at the
18 moment of planting corn and it's part of growing food to
19 survive.

20 Q. I think I know what you mean by offering, but give me
21 an example of that.

22 A. Well, maybe another example that was in my mind this
23 morning is a piece of film I show of potato mounding ritual in
24 the Peruvian Andes as they, every year, you know, growing
25 potatoes, they have to go out and dig the dirt mound, the dirt

1 around the potatoes as they grow. And during that, maybe it's
2 right after, there's a dance. The women come and bring food
3 into the fields, they put flowers in their hair, and there's a
4 dance through the potato field. There are, coca leaves are
5 chewed, which is the origin of what is called cocaine in this
6 country, but the leaf, the plant itself is considered sacred.
7 And the leaves are chewed and then liquid is sprayed into the
8 air as an offering to the gods as a way of maintaining the
9 connection with the spirit forces that support the growth of
10 the potatoes and the life of the people. So it's a
11 subsistence activity, it's a farming activity. It's imbued
12 with a spiritual intention, a spiritual connection.

13 That's the way most people around the world
14 understand that life happens, the way that life is maintained
15 and sustained. So plants and various things around them are a
16 part of what's given in nature for life and for survival. So
17 the relationship with those plants and with the spirits is a
18 continuous one.

19 So these are cultures that often don't have a word
20 like religion. So it's not a distinct, separate activity of
21 life. Our society tends to be fairly segmented and
22 disintegrated in that regard. I often talk to my students
23 about the fact when you go to college and take classes and you
24 take an economics class, and you take a political science
25 class, you might take an anthropology class, and all of these

1 are very distinct subject areas. And then maybe you go to
2 church on Sunday, and that's very distinct from what you're
3 doing at school. And then maybe you have a job that's very
4 distinct from what you're doing in school, distinct from your
5 family, and so on. So that sort of disintegrated way of
6 living is fairly unique in the world. And so when we think of
7 religion as a separate practice or a separate entity, that's
8 not common. And so the word religion can become almost, it
9 can become a way of obscuring, using those ideas become a way
10 of obscuring the reality, the reality of other people.

11 Am I going too far here?

12 Q. I don't know. What I would ask you --

13 A. So it's back to a definition of religion.

14 Q. That's my next question.

15 A. I intend to, if I have to define it, use a very
16 simple definition of the order of something like a system of
17 beliefs and practices that address the relationship between
18 people and mystical forces. Even the use of the word mystical
19 forces can be problematic sometimes, because I think most of
20 us, when you see, regardless of whether you're watching a
21 potato-mounding ritual that might not look like a religious
22 act to some people, you see a way of relating to the world and
23 the cosmos that appreciates that there's something larger than
24 the immediate people in what's happening. And that's what I'm
25 referring to as mystical forces. And I think generally what

1 people would say, that's apparent in all cultures and is
2 present in all cultures.

3 Q. I'm sorry. When you say it's apparent, it is
4 apparent in all cultures, tell us a little bit about what you
5 mean by that statement.

6 A. Well, the word animism is used in anthropology to
7 refer to the understanding of the world is imbued spirit, that
8 there is something non-material going on here. And that is a
9 universal, it's a cultural universal, every culture has seen
10 the world that way, experienced the world that way. And so
11 it's that relationship that I think, in understanding and
12 managing that relationship between the material and the spirit
13 realm, I think is what most people would understand is
14 something religious going on.

15 Q. Did you say that every culture that we know or
16 studied or aware of, has had some sort of cosmology, some sort
17 of a --

18 A. An understanding that there are spirits in the world,
19 that there's something non-material.

20 Q. When you say mystical forces, I think I've seen it
21 referred to in literature as supernatural forces; is that sort
22 of the same notion?

23 A. Yeah. I just, if I can parse the word here, I don't
24 use the word supernatural because it tends to reinforce a
25 western notion of there's nature and then there's something

1 not nature, something supernatural. And the indigenous
2 peoples of the world understand this is a more continuous
3 experience. So I will not keep drawing that distinction.

4 Q. Okay. I think I understand that. So in an attempt
5 to understand the relationship between humans and the mystical
6 force, do all religions within that broad construct have a
7 supreme being?

8 A. No. Well, I say no, it's, again, it may be a problem
9 of words here, the way cultures conceptualized what is in the
10 spiritual realm varies tremendously. And I've actually read
11 different things on this, some that say that there are
12 cultures that don't even have, don't even spend much effort
13 conceptualizing it, and so don't have much of a story about
14 that. And then I've also read scholars who say that there is
15 a fairly universal notion that there is some power, some power
16 that's greater than people. But a spiritual being implies a
17 particular -- I, to me implies a particular way of, of
18 understanding that, that can, that is fairly narrow and
19 culturally defined.

20 Q. Well, obviously, for our culture and in a
21 predominantly Christian nation, there is a God. And in some,
22 again, there are various manifestations of Christianity, in
23 some case there are three deities, the God, the Son and the
24 Holy Spirit, and these are entities to whom we pray and ask
25 for help and offer offerings. And I'm wondering about

1 cultures in which that's not necessarily the case, where there
2 is not a person who's anthropogenic, who is not like us, who's
3 not an entity that's identifiable and prayable to, if you
4 will?

5 A. Well, that's the more common. Let's say the not
6 having a particular identity, personification of that, and so
7 is probably more common than not.

8 Q. I'm sorry, more common than not, not to have?

9 A. I'm sorry, I wasn't very clear there. The manner of
10 embodying spirit as a sort of anthropomorphic agent or entity
11 is more uncommon, I think, than common. And when I say that,
12 I'm referring to the record of cultures, not necessarily the
13 numbers of people in the world who believe this way or that
14 way. So there are, while there's a universal understanding
15 that there are spiritual forces, they're not always considered
16 human-like or even have entity. They may be elements of
17 nature, forces of nature. And this is very common with the
18 native peoples in this area, not necessarily entities as in
19 gods and goddesses in the same manner. This is where it takes
20 a real stretch to actually, you know, step out of ones own
21 cultural way of thinking about this and really imagine a
22 different way.

23 There are cultures where those spirits are malevolent
24 forces and life is a continuous struggle to negotiate your way
25 through this sort of malevolent field of forces out there, but

1 they aren't necessarily sort of person agents in the way that
2 Christianity embodies a god.

3 Q. All right. You prepared a report for me, didn't you?

4 A. Yes.

5 Q. And I gave a copy of it to the lawyers for the
6 government so they could take a look at it. They'll probably
7 have some questions for you about it, but you mentioned
8 something that I want to talk a little bit about, that's the
9 difference between a faith-based religious construct and what
10 you call an experience-based religious construct. Could you
11 tell us a little bit about what you mean by those terms?

12 A. Yes. I found that to be a very helpful distinction.
13 My students find it a very helpful distinction also. There
14 are -- well, maybe it helps to start with, I grew up in a
15 Christian church. I see that as very much a faith-based
16 religion. It is, the truth of the religion is passed on
17 through, through text scriptures, and specialists, the priest
18 and I use that term generally to refer to all ministers and
19 full-time specialists that pass on the knowledge and lead the
20 community in the spiritual path. I'm not saying there's never
21 a spiritual experience in that religion, but the emphasis is
22 different in a religion that's based on experience, where the
23 pursuit is to have a direct experience of those spirit forces
24 as opposed to hearing about it as it was experienced by
25 someone a thousand years ago when the spirit visited them or

1 mediated the message through a priest, or so on. And these
2 are the people that are sometimes called the mystics. So in
3 Islam the mystic tradition, the experience-based tradition are
4 the Sufis. In Judaism it's the kabalist. In Christianity I
5 think there are various groups that have sort of, you know,
6 the Gnostics, the current Gnostics and Zoroastrians, and many
7 of them are, I think, trying to connect with that tradition
8 through, from Christianity.

9 Q. Which tradition, Doctor, the experience?

10 A. The experience tradition. The neo-pagans and Wiccans
11 and folks who are practicing magic and creating rituals that
12 are designed to create a direct experience of this numinous,
13 the numinous in life, are those kinds of experienced-based
14 practices, as opposed to the more faith-based that have a --
15 Here's the key difference. The knowledge of the faith is
16 passed on. In experience base practices it is a matter of, as
17 attained the knowledge oneself, having a direct experience of
18 it.

19 Q. Now in an experience-based sort of approach to
20 spirituality, is there not also someone who acts as a guide,
21 as a teacher, to direct the practitioner of that religion to
22 the appropriate methods of attaining that personal experience
23 of the spiritual?

24 A. Very much so. Elders, more experienced, become
25 important teachers and guides because it's a -- I wouldn't

1 actually say it could be a dangerous pursuit, when one leaves
2 the ordinary state of reality and is willing to enter into
3 non-ordinary states of reality, then, you know, if you don't
4 have experience there, then you may not know what to do about
5 that experience or how to come back. So this is where the
6 leadership, the guidance of all, all of those apprentice, more
7 experienced practitioners.

8 Q. Okay. Let's talk a little bit about that and the
9 ways in which it occurred. Leaving the ordinary realm of
10 reality, how does one do that in, an example, if you can give
11 us one, of an experiential spiritual situation?

12 A. There are multiple ways that that can happen, and it
13 may involve an intense meditative practice. It might involve
14 sensory deprivation, such as the Plains Indians' vision
15 questing where they would leave their community and go out
16 into the wilderness for three days and nights, and no food and
17 no water. It can be a ritual structure that creates a
18 rhythmic pattern of drumming or rattling that creates an
19 altered state of consciousness, the gray actually interstata.

20 Q. Is that a meditative sort of thing as well?

21 A. Yes, it depends on how you define meditation. Yeah,
22 but a trans-like state, and I want to use the word altered
23 state because trans is a very loosely used word. So then you
24 can have the spirit possession of vodou. The, I'm thinking of
25 the emboly, the transstate, the transstates of, I'm sorry, I

1 can't recall the name of this ceremony, but where they stab
2 themselves with swords. It often involves a great deal of
3 bodily challenge in some of those cases, I should say. So I'm
4 trying to think if I'm leaving anything out. Sleep
5 deprivation, pain, self-inflicted pain. The Christian
6 self-flagellation of old times is one of those; and then
7 psychoactive substances.

8 Q. Just out of curiosity, is the Native American sweat
9 lodge a form of this sort of thing that you're talking about,
10 the altered state?

11 A. Yes.

12 Q. I want to go back to something you touched on a just
13 little bit ago because it relates to another area that I
14 wanted to talk to you about. You mentioned the Gnostics. And
15 in my imperfect understanding of such things, relatively
16 recent discoveries suggest the existence of a group of people
17 back in the time of Jesus that called themselves Gnostics, and
18 they maintained a separate set of Gospels, I think they're
19 actually being called that. And it seemed to -- well, it
20 didn't seem to, it talked about the fairly significant
21 divergence of forms of Christianity. Talk to us a little bit
22 about that specifically and generally, more generally the ways
23 in which even a single belief system can branch off into
24 different directions.

25 A. Well, yeah, we're very familiar with that. The early

1 Christian period was marked by many different communities of
2 Christians, people who had either direct or known for hundreds
3 of years after Christ's death had, you know, indirect
4 experience of his teachings and the, his life, and formulated
5 communities of religious belief and practice around their
6 ideas of that. And there were hundreds of them that, you
7 know, saw it slightly differently, had somewhat different
8 interpretation of his message. And it was a slow process of
9 certain groups establishing preeminence. And then these other
10 groups were either marginalized, some incorporated, and some
11 persecuted, until, you know, a much less diverse sort of
12 notion of Christianity. Though, we still see this today with
13 Catholic Christianity and Protestant Christianity, and the
14 many different segments of Protestant Christianity. So the
15 -- I mean, I think we just take that for granted, that there
16 are different interpretations of the same belief system, or at
17 least different interpretations of the same text and the same
18 history.

19 Q. All right. How would the adherence to one of those
20 sects or one of those belief symptom branches view the
21 adherence to another one of those beliefs as to branches?

22 A. Well, I'm sure that varies between the different
23 groups. Some have very hostile reactions to some of the other
24 beliefs, other groups that believe differently than they do.
25 Others tend to be more tolerant. I think you could say that

1 maybe Christianity has gone through that historical process of
2 fairly hostile, quite a bit of hostility around different
3 beliefs. And now, I think there's a fairly tolerant attitude
4 that -- well, the Baptists see it differently than the
5 Presbyterians; okay. But we're all Christians. So there is a
6 way that people have managed to sort of diminish the
7 differences, and most probably choose to see the commonality.
8 But I think we can also see a fair amount of friction that
9 some don't see what others are doing as legitimate
10 Christianity and take that on. I think when you get arguments
11 around the use of birth control or abortion, and things like
12 that, you can start to see the way some religious groups
13 believe that those practices are okay, and others don't, you
14 can have tremendous conflict.

15 Q. Well, in fact, the sincere believers in a
16 manifestation of Christianity that calls for being born again,
17 for example, would look at the people who are equally sincere,
18 equally established but don't buy into that particular aspect
19 of it, and the first group would think that the second group
20 was going to hell.

21 A. Right. Yes, I experienced that actually in religion,
22 uh-huh.

23 Q. All right. Well, is it possible to quantify the
24 number of different variations, even of one dominant religious
25 theme, such as Christianity, over the course of time?

1 A. I can't say it would be impossible. I can't give you
2 that. You, I'm sure a historical analysis might generate
3 something like that. What you'll immediately run into is,
4 well, do we call these people different or do we call them
5 somewhat the same? Where do you make those distinctions,
6 especially when you're looking historically. And that gets
7 into the issue of who, how one is deciding what counts as
8 religious or whether it's religious enough, or whether it
9 counts as this religion or that, or not. At some point it
10 seems that that's for the individual to declare. So if you
11 can't go back 500 years and ask them, -- you know, we could
12 generate a number like that, but then we'd have a lot of
13 academic arguments about whether that number was legitimate.

14 Q. Do you suppose it would be a large number?

15 A. With respect --

16 Q. Of different sorts of variations of religions?

17 A. With respect to Christianity specifically?

18 Q. Yes.

19 A. Yes. Well, just look at the history of the United
20 States where you start with the Puritans, and then you get the
21 Shakers and the Quakers, and, you know, boom. It happened
22 very rapidly in the United States, you know, the Adventists
23 and the Mormons, very quickly got a diversity of Christian
24 groups because they did not agree with the interpretations of
25 a particular text that they all considered to be the truth.

1 Q. Let's then go to a discussion of psychoactive
2 substances, entheogens, and help us to understand,
3 historically or currently, around the world, these substances
4 are used in aid of spiritual pursuits. And then we'll talk a
5 little bit about what types of substances are used.

6 A. And so the first part, you want to know where?

7 Q. Well, where is a good start.

8 A. All over the world. I think it's fairly safe to say
9 that where plant or animate substances have existed, that
10 generate a psychotropic effect, they have been incorporated
11 into the culture of the people that live in that area.

12 Q. Can you give us an example?

13 A. Of course, you asked me that and my mind goes blank.
14 I mean all through the Americas, tobacco, the indigenous
15 people using tobacco. The peyote among the people in Central
16 America and New Mexico. It being used by the Yanomamo in
17 South America. The use of ayahuasca among many South American
18 groups, Ichivato and many, many Psilocybin mushrooms used in
19 Mesoamerica. The ancient Arawaks in the Caribbean used the
20 coyaba. The ancient Maya had used substance, psychoactive
21 substances. The Hindu use of soma; Aztec, what we call
22 morning glory seeds, oloiuhqui; Eleusinian Mystery rites. The
23 aboriginal, Australian aboriginal, the pituri; the Fang of
24 Equitorial Africa. It's really, you know, Hindu use of bong,
25 or what is probably cannabis, what we call cannabis.

1 Q. You say probably; why?

2 A. Well, it's an analysis of the linguistic terms and
3 the various symbols of the plants and, you know, art and
4 cultural artifacts that make that interpretation, the logical
5 interpretation. But it's not a, you know, I can't go out to,
6 go out to a group of Hindus and -- I'm not sure, I can't say
7 that I understand Fang to be interpreted, bong to be
8 interpreted as cannabis.

9 Q. But there are other interpretations as well?

10 A. On that particular word, I'm not sure. I don't think
11 so.

12 Q. That's fine. Are there other religious traditions in
13 which cannabis plays an entheogenical role?

14 A. Well, again, I think that historically, throughout
15 that region, it was used in early Christianity and early --
16 there are many references in the Bible that are interpreted to
17 be used the use of cannabis. So in Judaism and in Hebrew
18 culture, and then the early Christianity, and the Hindu
19 culture, all throughout that region, experienced it.

20 Q. Do you suppose you would get an argument from some
21 people who practice those religions as to whether or not
22 cannabis ever played a role in Christianity?

23 A. Well, sure. You can get in an argument over any
24 aspect of religion. I think that it's partly because of the
25 loss of that in the mainstream tradition. So where there's a

1 particular, you know, ideology that says this is not a good
2 practice or it's not part of our practice, then they would not
3 want to see it, might not want to see it as part of the
4 ancient practice.

5 Q. Revisionist history?

6 A. It seems that way to me.

7 Q. Okay. What's the point, why do it at all? Why use
8 psychoactive substances in the pursuit of the mystical, as
9 you've described it?

10 A. I think that people discovered it was a very powerful
11 means of access to a spiritual reality that is, transcends what
12 our ordinary, everyday experience is. And what I understand,
13 and this is cross-cultural, not just talking about cannabis
14 now, but the use of plants in this manner is always talked
15 about as spirit powers themselves, and teachers, and healers.
16 So there is an access to spiritual knowledge and healing this
17 way that is very clearly experienced by people all over the
18 world. And why wouldn't they? I mean that would be a real
19 question in my mind, why would they not?

20 Q. Well, let me ask you, maybe it's rhetorical, but in
21 ancient culture, without current levels of science, how would
22 -- if a society stumbled upon a plant preparation of some
23 sort that seemed to have salutary effects on health, or
24 curative properties as to some maladies, how would ancient
25 cultures likely look at that plant in that preparation, how

1 would they perceive it, as something medicinal or something
2 spiritual?

3 A. I don't think they would make a distinction. I think
4 it would be understood to be -- this goes back to my earlier
5 conversation about these, this continuity, and that we make a
6 distinction between health, you know, a body health and then
7 our spiritual health is handled in church. Indigenous people
8 don't make that distinction. So the plant would be considered
9 sacred. It has these healing properties. And health is
10 achieved through spirit as well as body.

11 Q. All right. Okay. So there's one, I suppose, example
12 of how that happens. If a plant has a healing property and
13 therefore would be considered as consonant with the spiritual
14 world, what about something that changes, alters your state,
15 as you said earlier?

16 A. It has healing properties because it does that. It,
17 again, this goes to, I think, an understanding of the self
18 that, you know, is as, maybe made up of, of different
19 elements, but they're all connected. So you go to a healer in
20 most places in the world and they will do what they can. And
21 what they can is going to be, use all their knowledge of
22 medicinal properties of plants and all their knowledge of the
23 spirit powers that can help you. And so they may be combining
24 one plant, they may be different plants or other substances,
25 well, pretty much derived from plants or animals.

1 So, you know, I forgot to mention the section of my
2 work of the whole discussion of healing in spirituality. And
3 healers don't -- I mean this is one of the concerns about our
4 health system in this country, that it tends to isolate the
5 body. We're going through a bit of change here. The body has
6 been isolated as a, you know, sort of biological entity, and
7 healing and curing is attempted on the body. And traditional
8 healers all over the world know that's never going to be
9 effective, it has to incorporate all of the person. It's got
10 to incorporate the spiritual element as well.

11 Q. That's an interesting notion, that all our technology
12 is still a little bit behind the curve.

13 A. Well, it's very powerful in its way. And it has, it
14 has a particular application, and it's not the whole answer.

15 Q. Okay.

16 A. Medical doctors are getting that, they're using
17 meditation and this practices.

18 Q. Okay. So not trying to ignore that, but if I
19 understand what you said earlier, that it's not just about
20 healing or a specific aspect of healing that these entheogenic
21 plants can be used, but even the extent to which an alteration
22 of the psychological state itself as a vehicle to an
23 understanding of the spiritual realm?

24 A. And healing, uh-huh.

25 Q. And you always come back to that.

1 A. Because they're not separate.

2 Q. Okay.

3 A. Yes. That shift in consciousness, that shift --
4 well, there are two things going on here, one is that in some
5 cultures it's the healer that uses the substance, not the sick
6 person. In some cultures it is both; okay. So I'm talking
7 about, now we're talking about a physical ailment of some
8 sort. Again, these distinctions sometimes are crazy. But the
9 physical ailment is understood to be a manifestation of a
10 spiritual problem. And not only, I mean there, these folks
11 are smart; okay. They understand that there are physical
12 problems that, you know, you've got an infection, you know.
13 We'll go to the doctor down the road, they have some
14 antibiotics for you. Come back, we'll do a ceremony. Because
15 you have to address the whole person.

16 Q. Let me ask it a different way. Is it common in these
17 cultures to use entheogens to have a person who's not
18 suffering from any particular physical malady, nothing that
19 they're trying to cure, to seek a transcendent spiritual
20 experience using entheogens?

21 A. Definitely.

22 Q. Talk to us a little bit about that aspect.

23 A. Well, yes, you make a distinction of physical malady
24 here because there is the pursuit of spiritual knowledge and
25 spiritual healing for oneself and for ones community. That is

1 often the purpose, the intention for use of the substance.
2 There are -- not everyone in every society might pursue this,
3 but many people might, or some. Some people don't like it,
4 don't want to bother, not unlike our society where some people
5 don't want to walk a spiritual path and other people do. So
6 there are -- but certainly it is an interest in spiritual
7 well-being that would encourage people to pursue whatever
8 means they have for doing, for achieving that. And these
9 substances are understood to be sacred gifts that have the
10 power to bring you in, it's the goal to try to attempt the
11 community with spirit.

12 Q. Okay. One of the things you talked about in your
13 report was that the anthropological research demonstrates that
14 there is a clear divide between the spiritual use of
15 psychoactive substances and when you probably risk, call the
16 recreation use of those things. Could you talk to us a little
17 bit about that research and that distinction?

18 A. Well, I think that distinction is helpful. My
19 students have taught me that sometimes that distinction may
20 not be so absolute, so I'll get to that in a minute, which I
21 think is important. But that the spiritual use of these
22 substances is distinguished by what anthropologists and
23 religious scholars call set and setting. The two elements
24 really are key to what distinguishes spiritual use from
25 recreational use. It's the intention, and the meaning and

1 intention for spiritual connection and healing and knowledge
2 that drives the use, as well as the setting, which means in
3 pretty much all cases a ritual setting, a structured sort of
4 controlled experience. I should change that to say controlled
5 setting because the experience is not controlled.

6 Q. Okay. Intention and setting?

7 A. Yes. And can I say why? I just think this is
8 interesting. In many discussions, over many years, with
9 students on this topic, they've challenged me on that
10 distinction and says, and say, "Well, you can have a spiritual
11 experience even if you start out for recreation." And so it
12 may be that that is the way some people come to a spiritual
13 awareness, and it can be life-changing, which would speak to
14 the power of these substances and what their real existence
15 is.

16 Q. All right. Also in your report you talk a little bit
17 about the notion of cults and the development of new religious
18 ideas. We talked a little bit about the different branches of
19 early Christianity, but I think until like the fourth century,
20 Christianity was persecuted generally regardless of what
21 branch you were. Talk to us a little bit about the notion of
22 developing religions and how they're perceived by the then
23 established religious environment.

24 A. Yeah. It may even be a small group that's
25 established a set of beliefs, and if someone begins espousing

1 something different or see a different vision of that, they
2 become ostracized and marginalized, and in many cases they are
3 the ones that go off and form a new group. So I don't use the
4 word cult because most anthropologists these days won't,
5 because it tends to carry a very pejorative meaning. It used
6 to be a sort of academic term that had very specific meanings,
7 but it's now just generally used to refer to a non-mainstream
8 group that's considered a little crazy, whacked out or
9 something.

10 So I tend to use the word new religious movement to
11 refer to these groups that are continually emerging, which to
12 me speaks of a very strong human desire to feel the sense of
13 connection, to find a path for establishing and maintaining a
14 spiritual connection and understanding in life. So, but
15 they're, by definition, new movements are in contrast to what
16 is established, so they are understood as somewhat
17 threatening. And anyone who's invested in the order, as it
18 stands, you know, this is the way we know things are, then
19 they generally can be very intolerant of someone who's saying
20 "No, I've got a different view;" and this is why Christ was
21 crucified; right? I mean, as I understand it, he was put to
22 death for sedition. So what was a radical movement at the
23 time, and was considered outrageous, and to the extent where
24 they killed the man for what he was saying, now is considered
25 mainstream religion. So maybe the lesson there is, it only

1 takes a couple thousand years. But then, you know, someone
2 who comes along with a different prophetic message or a
3 message that in any way speaks contrary to what is considered
4 the established way, which I think is embodied in these
5 institutions that have a lot of brick and mortar, and a lot
6 professionals whose lives are committed to that, would, would,
7 I think, fairly, you know, unsurprisingly, be fairly
8 intolerant of those groups.

9 Q. All right. Dr. Pruitt, in your report you include a
10 list, a bibliography, if you will. What do those citations
11 refer to?

12 A. Well, this represents some of the top scholars in
13 their field, in particular the subject of the use of
14 psychoactive substances for spiritual purposes. And, of
15 course, a few general references to anthropologists who talk
16 about religion and, cross-culturally, the question of what is
17 religion and, and how one understands what religion is, and
18 how it works in human societies. So they span several decades
19 of research and represent scholars from all the top academic
20 institutions in this country.

21 Q. Are these references to things that you, yourself,
22 have read and relied on in coming to the understandings and
23 conclusions that you've talked with us about today?

24 A. Yes. And, I mean, this is true for all academic
25 scholars, but it's, you know, it's -- anthropology is a social

1 science and one reviews literature and the debates in the
2 field, and my presentation of these resources is my assessment
3 of what is a general agreement or represents the most
4 prevalent points of view and interpretations, if you will.

5 (Defendant's Exhibit 2 was marked.)

6 Q. Dr. Pruitt, I've marked something as Defendant's
7 Exhibit 2. Could you tell me if that is your report?

8 A. Yes.

9 MR. ROBERT: Your Honor, I would offer Defendant's
10 Exhibit 2 into evidence, and particularly for the value that
11 it has in identifying those resources that the doctor's relied
12 on, in addition to the things that are contained in it.

13 THE COURT: Any objection?

14 MS. GOULD: No objection, Your Honor.

15 THE COURT: All right. Defendant's Exhibit 2 is
16 admitted without objection.

17 MR. ROBERT: And I seem to have stickers that are old
18 and this may not want to stay on very long, so if that's the
19 case I --

20 May I have just a moment, please, Your Honor?

21 THE COURT: You may.

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

23 THE COURT: I think at this time we'll take our lunch
24 break. I have, I have something at noon but I'm going to
25 suggest that maybe we try to come back before 1:30. Would it

1 work for everyone to try to get back here? We'll try for
2 1:00, I may be a few minutes late, let's try for 1:00. Does
3 that seem reasonable?

4 MR. MARTINEZ: Yes, Your Honor.

5 MS. GOULD: Yes, Your Honor.

6 MR. ROBERT: Yes, Your Honor.

7 THE COURT: All right, we'll be in recess then until
8 1:00 o'clock.

9 (Whereupon Court was in recess for the lunch break.)

10 THE COURT: All right, we're back on the record in
11 U.S.A. versus Quaintance. Everybody ready to proceed?

12 MR. MARTINEZ: The government is, Your Honor.

13 THE COURT: All right.

14 CROSS-EXAMINATION

15 BY MS. GOULD:

16 Q. Good afternoon, Doctor. To start, I have a series of
17 questions that I prepared in advance. Have you ever been an
18 expert in a criminal case before?

19 A. No.

20 Q. Have you ever volunteered to be an expert in a
21 criminal case before?

22 A. I just realized, well, I have written a declaration
23 in a case just recently.

24 Q. What type of case was that case?

25 A. It was a similar case to this.

1 Q. A similar case. Were you paid to write that
2 declaration?

3 A. Yes.

4 Q. Are you being paid for your testimony today?

5 A. Yes.

6 Q. So the subject matter in that case was whether or not
7 marijuana -- Can you just flesh it out for us a little bit?

8 A. It was very similar.

9 Q. Was it also for the Church of Cognizance or a branch
10 of them?

11 A. No.

12 Q. Do you advocate the legalization of marijuana?

13 A. No.

14 Q. Are you a member of the church of Cognizance, or any
15 church similar to them?

16 A. No.

17 Q. Could you tell us what church you are a member of?

18 A. I'm not a member of any church.

19 Q. Now, with regards to this case, how much time have
20 you spent with the Quaintances and Mr. Butts in studying what
21 they proclaim to be their religion?

22 A. None. I only met them today at the break, the lunch
23 break.

24 Q. Okay. Have you ever viewed their websites or read
25 the writings of Mr. Danuel Quaintance?

1 A. I looked briefly at the website when Mr. Robert
2 called me about the case, and he mentioned the name of the
3 church, and I briefly looked at the website, but I didn't
4 study or didn't read any of the documents.

5 Q. So you haven't visited the place where they live?

6 A. No.

7 Q. Which they also refer to as where they worship.

8 A. No.

9 Q. Have you interviewed anybody else who proclaims to be
10 a member of this so-called religion?

11 A. No.

12 Q. Now, you mention in your report on the religious use
13 of psychoactive substances, which is what's been introduced, I
14 think, as defense Exhibit Number 2 that you prepared for this
15 hearing about entheogens, I hope I'm pronouncing it right.
16 Now this is where, if I understand your writings correctly, a
17 psychoactive substance is used to commune with the spirit
18 world or bring unity with spirit world; is that right?

19 A. Uh-huh.

20 Q. Now have you ever studied --

21 THE COURT: I didn't hear the answer.

22 A. Yes.

23 Q. Have you ever studied a religion that claims that
24 their psychoactive substance is also their deity rather than
25 merely a way in which that they can confer with their deity?

1 A. Yes; actually that's not uncommon. I realize now
2 that the way I worded it in this report, it could, you know,
3 mislead and exclude that possibility. But the way that I hear
4 people talk about this is that the plant itself is considered
5 the teacher. It's part of, again, this is part of the
6 understanding of the spiritual nature of reality and so the
7 spirit of the plant is part of what is revered, as is all
8 spirit. So the plant is understood to have the capacity to
9 teach.

10 Q. Now let me ask you this, you say that it's part of
11 what is revered; have you ever heard of it being all that is
12 revered, not just a part of a greater whole?

13 A. I haven't noticed that kind of distinction.

14 Q. I take it from some of the things that you've said
15 today that you're familiar with the Zoroastrian faith?

16 A. Somewhat.

17 Q. Are you aware of the fact that Zoroastrians, at least
18 of modern days Zoroastrians, do not condone the use of
19 marijuana in the practice of their religion?

20 A. Well, it's become clear to me that some people who
21 declare themselves as Zoroastrian don't, and evidently some
22 people who declare themselves as neo-Zoroastrians, such as the
23 defendant here do, so I guess there's some variation in that.

24 Q. Now, it's my understanding that Zoroastrians worship
25 a god, but that god is also separate from their sacrament, so

1 they worship the god and then have a sacrament separate from
2 it. Is that your understanding of how Zoroastrians operate?

3 A. I'm just not sure I can really answer that. I don't
4 feel like I'm really qualified to assess how Zoroastrians
5 today worship and how they distinguish that, the sacrament
6 versus the god.

7 Q. Now to those people who worship god as an unearthly
8 form, that would be what keeps the god separate from the
9 sacrament; isn't that right?

10 A. I'm not sure I understand.

11 Q. In other words, and I forget the terms that you used
12 in order to describe it, anthropo --

13 A. Anthropomorphic.

14 Q. -- pomorphic god, would be separate from an earthly
15 thing that one could touch and ingest; is that correct?

16 A. Well, yeah, I would say probably the way -- see, the
17 way Westerners think about this, which most of us probably,
18 we're here, we've lived in Western culture long enough to be
19 very Western-minded, would be that there is this distinction
20 between deity and material world. What I -- what I see in
21 many cultures is that that distinction is not necessarily
22 understood that way, that there is not such a distinction.
23 That the -- there's, I said the word continuity before, I
24 think that will work. You know, when places are considered
25 sacred, they're spiritual places, they're a spirit, so a

1 plant can be as well.

2 Q. Now do you know if this proclaimed religion operates
3 on that level or a different level? Do you have any idea?

4 A. I don't have enough knowledge about this particular
5 church to make any assessment of that.

6 Q. Do you see a difference, in your studies of different
7 religions, between spiritual use of psychoactive or
8 entheogenic substances and the large-scale distribution of
9 those substances for profit?

10 A. Are you asking do I see a distinction between those?

11 Q. Yes.

12 A. Well, the way it's framed, I understand the
13 distinction that you're making, yes.

14 Q. Now, going to your study of Rastafarianism in
15 Jamaica, you previously stated that you lived there for two
16 years. Of course, our understanding in the United States of
17 what Rastafarianism is, it's a religion that advocates the use
18 of marijuana to enable members to more closely confer with
19 their god, Jaw, if I know correctly. Is that a correct
20 assessment of what Rastafarianism is?

21 A. I would say that's part, that could be considered
22 part of it. I would define it as a spiritual philosophy
23 grounded in an Afrocentric reinterpretation of the Bible that
24 is based on valuing that heritage, and understood as the
25 children of God, and marijuana is considered a sacrament. So

1 it does offer a vehicle for a closer connection with Jaw.

2 Q. So they do have some Biblical -- they operate through
3 the Bible then?

4 A. Yes.

5 Q. Okay. So are they Christians also?

6 A. They're Rastas. This is where, again, it's important
7 to realize that it's a reinterpretation of the Bible, so it
8 has many commonalities of Christianity and it's a distinct, a
9 distinct religion.

10 Q. Now, do they believe that marijuana -- and is there a
11 god named Jaw?

12 A. Yes.

13 Q. Do they believe that marijuana and Jaw are one and
14 the same, or do they use marijuana in an effort to be closer
15 to their god, Jaw?

16 A. I'm trying to see if I have enough information to
17 answer. It's funny. Whether or not they would consider them
18 one and the same, I don't feel I can answer that, I'd have to
19 ask a Rasta, and I imagine you might get some different
20 answers from different individuals. Part of the nature of
21 the, of that tradition is it's very individualistic, but we
22 could have a reason and inquire into that. I think that,
23 yeah, I should leave it at that. I don't think I can speak
24 for them on that.

25 Q. Are Rastafarians required to smoke marijuana to

1 worship Jaw or practice Rastafarianism?

2 A. Well, the word required would assume that there was
3 an authority that could impose that expectation, that
4 requirement. That doesn't fit. It's a practice that's part
5 of becoming Rasta. You wouldn't, you wouldn't identify as
6 Rasta, I think, if you had not, if you did not appreciate the
7 role of marijuana. So nobody is forcing anybody to do
8 anything in Rasta as part of the nature of it, or can't
9 require anything of anyone, but it's certainly, I think, part
10 of that and that identity resolves it. It doesn't mean every
11 Rasta smokes marijuana.

12 Q. The thing about the religion in this case is that
13 they've put in their pleadings and stated in their writings
14 that marijuana is both a sacrament and a deity to them, which
15 seems that one could not practice that religion without
16 partaking in marijuana. Would you agree with that statement?

17 A. I couldn't answer that. I -- no, I don't know that
18 it would mean that.

19 Q. Now, just working off of your base on what you know
20 about what Rastafarians still, do Rastafarians believe that
21 their members should advocate selling marijuana to others who
22 are non-believers in order to make a living?

23 A. Not that I know of.

24 Q. In your direct testimony you talked a lot about
25 different cultures, and that in relation to witchcraft and

1 religion and magic, and to the extent that you know what you
2 do about the Church of the Cognizance, what culture would you
3 say they are a member of or a part of?

4 A. I'm smiling because this leads into a very large
5 discussion about what culture is, and ethnicity, and
6 variability in culture, and I don't know that the Court wants
7 to go there. But to answer that question I'd have to say they
8 would have to say what culture they identify with.

9 Q. I guess maybe to narrow the question down or may make
10 it more broad; of course we're dealing with people who were
11 both born in the United States, one of them was born in
12 California, the other in Missouri, if I remember correctly,
13 Nebraska, and all within the last 40 to 50 years seem to have
14 grown up in the United States here. How many different
15 cultures could possibly exist in the realm of that time period
16 with the place where they were born and where they've existed
17 there in Arizona?

18 A. Well, but where one grew up may not necessarily be
19 the totality of their cultural identity today. So I certainly
20 am not culturally the same as I was when I came out of high
21 school, for instance. So, and culture, and cultural
22 influence, and cultural identity is very complex and
23 multiplex, if you will. There are multiple elements to that
24 and can incorporate various experiences and changes across
25 one's life. So I'm really not trying to glib on the question,

1 it's a very complex area of anthropology to understand
2 someone's cultural identity. And so it's not just, "Oh, I
3 see, they grew up here and they look like this, so I know
4 their culture;" you really don't.

5 Q. Would you say that there's a certain sub-culture in
6 North America, here in the United States, that could be
7 referred to as like the drug culture?

8 A. I don't know, I haven't studied it so I don't know if
9 I would identify. What would you mean? I don't know who they
10 are.

11 Q. I'm just wondering where you have people who really
12 form their life around a certain substance, or maybe many
13 substances, that our country would consider to be drugs, for
14 lack of a better word; right, where a lot of people consider
15 them to be entheogens, where they form their life around
16 partaking of that, selling it. They're imbued in the idea
17 that such substances should be legalized.

18 A. Well, I can see where that term could be used to
19 refer to those qualities that you just described, but to me it
20 wouldn't provide a very accurate understanding of someone's
21 culture.

22 Q. Okay. Have you found in your study of religions that
23 use entheogens, that all members use the substance to confer
24 with God? And to clarify that, do most of those religions use
25 these substances to confer with God, ordinarily have a right

1 of passage of sorts, or do all of the members just use it
2 regardless of age or status within the society in which the
3 religion operates?

4 A. I am pausing because you're talking about a large
5 variety of cultures. There are traditions -- I think there
6 were several questions in what you asked me, so can you break
7 it down?

8 Q. Sure. Okay. Of those religions that use entheogens,
9 are there any where all of the members use the psychoactive
10 substance, meaning from little kids up to highest priest, or
11 however you want to phrase it?

12 A. I don't know of any, but I don't know that there
13 aren't.

14 Q. So is there ordinarily a sort of rite of passage that
15 people go through to be able to use the psychoactive substance
16 to relate to the higher power, or God?

17 A. I wouldn't say there's a single summary of that. I
18 mean, it can vary. That may be the case. It may be just a
19 matter of personal choice, so some members of the society or
20 the community partake here or interact in that others don't.
21 I -- and I can't say that there's a lot of information in the
22 anthropological records to suggest what the answer to that
23 is. But I know enough about different cultures to know it's
24 very hard to come up with those kinds of summaries,
25 conclusions.

1 Q. Would you find it unusual for a religion to give
2 psychoactive substances to small children, I mean,
3 three-four-year-old children?

4 A. I don't know of any that do.

5 MS. GOULD: Your Honor, may I approach the witness?

6 THE COURT: You may.

7 Q. I'm going to show you what I'm marking right now as
8 government's Exhibit Number 1.

9 (Government's Exhibit 1 was marked.)

10 MR. ROBERT: May I see the exhibit?

11 MS. GOULD: Oh, I'm sorry.

12 Q. (By Ms. Gould) Do you recognize that from having
13 been on their website, at all?

14 A. No, no, I haven't seen this before.

15 Q. That's a page from the Church of the Cognizance
16 website. And based on the text that's around it, it seems to,
17 and of course the picture, which seems to show small children,
18 seems to advocate the giving of marijuana to small children,
19 so.

20 MR. ROBERT: Is that a question?

21 Q. (By Ms. Gould) I'm just wondering if you had ever
22 seen anything like that before, or are aware of that with
23 regards to this religion?

24 A. No.

25 Q. Thank you. Doctor, would you say that most religions

1 address fundamental questions about the purpose of life, or
2 death?

3 A. The way people think about religion generally
4 includes that. The notion of purpose of life and death does
5 not -- I don't know that that's such that that is always a
6 concern. It's more about the nature of life. And that may
7 sound like a fine distinction.

8 Q. But there is at least some sort of guidance to
9 members of religions as to what a purpose may be or what
10 happens when you die, that kind of thing?

11 A. It's common, yes. Or more like, you know, what
12 should, what's the nature of life and how does one live a good
13 life, or how does one live in harmony with the ancestors, is
14 often the concern. How does one live in harmony with spirit,
15 because that's the good life.

16 Q. And I think you've already really kind of said this
17 with your last sentence, and even in your previous testimony,
18 but do most religions embody the idea of a spirit and what
19 happens to your spirit when you die?

20 A. It's common, but not all cultures answer that. Not
21 all cultures have much of a story around that, interestingly,
22 I think. You know, I always thought that was kind of
23 universal. But more readings, I found out that there were
24 more cultures that don't necessarily think that there is much
25 that happens after you die. I don't have much to tell you

1 about that.

2 Q. Is there any sort of maybe overreaching idea that
3 spirits are present amongst us or -- I don't even know how to
4 ask it -- or guiding us in some way?

5 A. Not only guiding, but again, this goes to the concept
6 called animisim, A-N-I-M-I-S-M, in anthropology, which is the
7 term used to refer to the fact that people universally
8 understand the world to be imbued with spirit.

9 Q. Do most religions believe that there is another time,
10 place, mode or temperality that may be inhabited by spirits,
11 souls, forces, deities, or other inchoate or intangible
12 entities?

13 A. I'd say, again, commonly, yes.

14 Q. Do most religions provide a particular way to act, or
15 a way of life, that is, for lack of better words, moral or
16 ethical?

17 A. You know, interestingly, that one is not as universal
18 as people often think. There's a, that moralistic code is not
19 prevalent in many religions.

20 Q. Would you say that that's the great majority or
21 minority? Is there a way for you to split that up for us?

22 A. I think of that -- I would say probably less common.
23 See, the dilemma I have here is that when I think
24 cross-culturally I'm thinking across thousands of different
25 cultures, some of which may involve a few thousand people,

1 some of which may involve tens of thousands, and hundreds of
2 thousands. And so there's that comparison, and then there's
3 the question of numbers of people influenced by these various
4 things. So, certainly, the major religions, like Christianity
5 and Islam, and so on, involved and influenced many, many, many
6 people, whereas some of the other practice religious or
7 cultural groups that I think of may influence few. So I'd say
8 probably the majority of religions have not carried a highly
9 moralistic code in them. But the religions that do, have
10 become major world religions and influence large numbers of
11 people.

12 Q. Now, do you think that many religions impose duties
13 upon people, but not because of the religion, because it's
14 deemed that a higher power or spirit requires them to set
15 aside self-interest, thus imposing a duty?

16 A. The question is, as I understand it, does the
17 religion require them to set aside self-interest in order to
18 serve the religious?

19 Q. Or the god, the spirit, the deity?

20 A. Again, I don't know that the anthropological record
21 would bear that out as a consistent feature.

22 Q. Okay. Do you think that most sets of beliefs, I
23 guess we could say in place of religion, provide people with
24 the answers to many, if not the most, of the problems and
25 concerns that confront humans on a daily basis?

1 A. Where they are highly articulated belief systems,
2 yes. The majority of human societies and human experience, I
3 should say, has been small-scale forging groups that don't
4 have a very articulated belief system, and people, in terms of
5 religion, and so these things are negotiated culturally.

6 Q. Do most religions have what would be considered a
7 teacher, a seer, or a prophet who is considered to be divine,
8 enlightened, gifted or blessed?

9 A. Again I -- No, I'd say cross-culturally that's not a
10 predominant feature. Only when you've used the word religion
11 to refer to this highly sort of articulated and organized
12 institution.

13 Q. Now, Doctor, let me ask you this. Is it your opinion
14 that most religions in the world today don't have, aren't, as
15 a result of say developed countries then, where people
16 actually have writings or shrines and mosques, or an
17 infrastructure?

18 A. Well, let me see. There are few indigenous peoples
19 left living without the influence of Christianity or one of
20 the other major religions. Does that go to your question?

21 Q. Yes.

22 A. But there are some. And there are people -- most
23 people around the world have found ways to what we call
24 synchrotize their indigenous ways with whatever has been
25 imposed upon them, or introduced to them from the outside.

1 Q. Would you say that most religions have gathering
2 places? This doesn't necessarily need to be a building, such
3 as a church, a mosque, a temple, a pyramid, synagogue or
4 shrine, but also could include natural places such as springs,
5 rivers, forest, plains, or mountains?

6 A. What I would say is that for ritual to occur, it
7 always occurs in a sacred place. It can be an ordinary,
8 everyday place that's made sacred for the event.

9 Q. Because of the nature of our discussion, I had a
10 question regarding whether or not there were, in most
11 religions, certain writings. Is it your opinion that there
12 are lots of indigenous folks who didn't have writings so,
13 therefore, they wouldn't have religious writings?

14 A. Correct.

15 Q. Would you say that there are a number of
16 non-indigenous religions that do have writings?

17 A. Yes.

18 Q. Would you put that category that has, that's not
19 indigenous, in that most of them have writings or most of them
20 do not have writings, category? Maybe this will help to think
21 about it. Right now, in the world today, there are recognized
22 around 5,000, as of distinct ethnolinguistic groups, distinct
23 cultures, people. That's about half what it was probably a
24 couple hundred years ago. So the societies that developed
25 writing systems and that became large-scale state societies,

1 and meshed, and then began to expand and take over these
2 indigenous peoples and bring their systems of writings and
3 their beliefs, and so on, were much, much fewer than the
4 society, the number of societies that did not offer it that
5 way, or that were indigenous?

6 A. Today, I'd say that, you know, everywhere has been
7 colonized and almost everywhere has been missionized, so the
8 indigenous people are, their identity may still be, you know,
9 of those 5,000, there still may be thousands of them that
10 identify as in their indigenous culture. And they may have
11 gone to school and learned to read and write and, you know,
12 some of them converted to Christianity, and still practicing
13 some of their ancient traditions, and so on. And so the --
14 there's such a blending of that old, with the more recent, you
15 know, what the anthropologists call civilizations, which just
16 refers to societies that have writing systems and centralized
17 bureaucratic governments, that you could, you could probably
18 argue that most everyone in the world, with the exception of a
19 few tribal, a few foraging groups and tribal groups in South
20 America and in -- I'm trying to think how many you could count
21 in Africa, a few, that aren't, those being some of the only
22 ones that haven't been largely, you know, significantly
23 influenced by Western thinking and writing, and so on. Did I
24 wander off the question too far?

25 Q. No. Thank you. Do most of the religions, and I

1 guess we'll just include everybody here, have people who lead
2 others because they're enlightened, experienced, educated or
3 trained within the religion or within the society in which
4 they operate?

5 A. The most -- I keep trying to find a way to bring a
6 huge conversation into a small answer. All cultures that we
7 know of, through whatever time we can account for, have had
8 people that were recognized to have a special ability and
9 interest in working in the spirit realm, and mediating between
10 the spirit realm and the material world. And the word that
11 often gets used to refer to those people are shamans; okay.
12 And that's, so that's been fairly universal, at least the way
13 we define it now.

14 As societies became more complex, and I don't mean
15 that just like, oh, people finally evolved to get more
16 civilized, but where societies establish agriculture and began
17 to create specialists that could do things other than get food
18 and provide for their families, and so on, then you have this
19 elaboration of religious specialists that we would call
20 priests, and so on, that become the leaders of the community.
21 They tend to become attached to particular sets of ideas and
22 beliefs and become the church leader or the religious leader.
23 And so they're very common now. And they're not the most
24 common of -- their, the degree of leadership tends to depend
25 on the degree of complexity of the society technologically and

1 in terms of social specialization. So many, many, many
2 societies and, historically, most societies do not have
3 full-time religious leaders, more and more developed that -- I
4 may have lost where you wanted me to go with the question.

5 Q. I think you answered it. Thank you.

6 Now we talked a little bit about the gathering
7 places, you know, the places where rituals always occur,
8 usually in a sacred place; do most religions have ritual
9 ceremonies, protocols, which may include statements, acts or
10 movements that relate to the intake of the sacrament, whatever
11 the sacrament may be?

12 A. So you're saying, then, religions that use
13 sacraments, --

14 Q. Correct.

15 A. -- do they have these kinds of specialized
16 ceremonies?

17 Q. Correct.

18 A. I would say it's -- you got to be careful about what
19 we have in our minds when we say ceremony because it might not
20 be a very elaborated ceremony. I think that the setting went
21 on talking about it may be a large ritual that involved many
22 people of the community and have very formalized procedures.
23 It may also be as simple as healer with an individual and the,
24 but having a special intention and way of taking a substance
25 for its purpose.

1 Q. So would you feel safe in saying that ordinarily
2 there will be a ritual, or some sort of protocol, not
3 necessarily a formal ceremony, involved with the intake of
4 sacrament where religions do that? Sacrament meaning, in this
5 case, psychoactive substance?

6 A. Again, I think the word sacrament only comes into
7 play in certain kinds of religions; right. That notion of it
8 has a, and that word to me is associated with a kind of
9 formal, organized, institutional religion, and I, I think the
10 word sacred substance is more generally applicable. And so
11 then, so it's again important to not overimpose an idea of
12 what ritual looks like. I hope you all don't regret inviting
13 an anthropologist here, because I keep bringing up the
14 question, now we can talk about what is ritual and, you know,
15 does it have to, you know, what elements does something have
16 to have in order to count as ritual, and it may be very simple
17 indeed.

18 Q. Would it be unusual for there not to be something
19 like that incorporated with the entheogens?

20 A. Well, I think the, you know, the intention is part of
21 the ritual in a sense. When you are taking a substance for
22 the intention of spiritual enlightenment and healing, that's
23 part of how the ritual setting. And the level of elaboration
24 of ritual, I think, cross-culturally tends to vary depending
25 on the nature of the substance. So that when you're talking

1 about peyote or ayahuasca, that tends to entail highly
2 hallucinogenic experience, those circumstances tend to be more
3 controlled because there's more risk associated with them.
4 Madness and death are possible.

5 So the leaders, the elders, the shamans, the ones
6 with more experience, create the setting to make it safe for
7 people to have their own experience of the spirits and their
8 own spiritual growth and healing. The other substances, I
9 think, are less dangerous and, therefore, may entail less
10 elaborated rituals.

11 You know, when the Peruvian farmers are chewing the
12 coca leaf and spitting out the spray to the spirits, that's
13 not a highly constructed situation, it's not a very dangerous
14 one.

15 Q. This might be more helpful. In doing this
16 experiencing of the entheogens, is it usually associated with
17 some sort of holy, sacred or important day, for instance, or a
18 harvesting ceremony, or a particular week or month?

19 A. No, not necessarily. It might be. You know, there
20 might be important dates or seasonal events, and so on, that
21 are marked, but it might be a daily thing. It might be a
22 frequent thing.

23 Q. Going back to talking about the highly hallucinogenic
24 use of ayahuasca, and peyote, you had mentioned in your
25 earlier testimony that ordinarily there are, people that are

1 using that are supervised or counseled by a sort of teacher,
2 or I'm not sure what the phrase was that you used, so that
3 they may not lose their way; is that a common being?

4 A. Yeah, I would say that you would not want to go into
5 this realm without some guidance from someone more
6 experienced.

7 Q. Do you find that it's common amongst people and their
8 religions that certain foods may be prohibited, or certain
9 liquids on certain days, during certain times?

10 A. It's not uncommon, and I wouldn't even attach that to
11 religion per se. Culturally prescribed food and drink,
12 things, are very quite common.

13 Q. Is it common for people to wear certain clothing that
14 may be prescribed by their religion, which on the level we're
15 speaking, is also may be their society?

16 A. Where clothing exists it is -- I mean it is not, it's
17 not uncommon that for highly elaborated institutional
18 religions, people are, you know, identified through their
19 clothing. But that, I wouldn't say it's the more common
20 across cultures.

21 Q. Would you say that it's a popular concept to attempt
22 to convert others to your own views and persuade others of how
23 correct they are?

24 A. Essentially it's fairly
25 uncommon cross-culturally. It's is really particular to the,

1 particular to the proselytizing religions of Christianity and
2 Islam. Even the other major religions such as Buddhism and
3 Judaism, and so on, don't really proselytize and try to
4 convert. In other cultures, indigenous cultures, very much
5 understand their ways to be their ways and they really aren't
6 very concerned with trying to convert other people to them.

7 Q. Could that be, though, because they're so isolated, I
8 mean really amongst themselves?

9 A. No. I think because most people haven't been very
10 isolated for thousands of years and they're very much in
11 contact with people around them. And they very much
12 understand themselves as culturally distinct from people
13 around them, they're not trying to convert from the people
14 around there.

15 Q. In light of our discussion -- this is a hard question
16 to phrase but I'll try. We've been talking about the use of
17 all of these different entheogens, and entheogens in relation
18 to different religions cross-culturally around the world, and
19 although most of these things work for most cultures, those
20 cultures still have rules in place to control the situation,
21 do they not?

22 A. Generally, I'd say, yeah, what comes to my mind
23 immediately is the Yanomamo and how habitually they use ebene,
24 E-B-E-N-E. And Rastafarians are quite, the role of their use
25 of marijuana, it's understood to be healing. I guess what I

1 want to say is, there's variability on the level of control of
2 it or the specificity of its use.

3 Q. I guess to broaden the question maybe just a little
4 bit, are there usually dictates by the societies in which
5 these religions operate that proscribe certain behavior on one
6 level or another?

7 A. Well, there -- all cultures have, by definition, they
8 have notions of how you should behave, and norms of behavior,
9 and values, and so on; so in general, yes.

10 Q. Okay. Do you find that those norms and values are
11 often associated with a religion on some level?

12 A. Often the way we understand those things, as we call
13 that part of their religion.

14 Q. Okay.

15 A. And I think one of the things that's come to mind as
16 you're asking about this, is that the concern about the use of
17 plants or psychoactive substances, I think, is different. If
18 there is concern, it's concern about honoring the sacredness
19 and not, not losing the value of what it has to offer rather
20 than a control of fear, you know, a kind of -- we don't want
21 people to have this or have access to this, it's not about
22 rules out of fear about what people are going to do, it's more
23 of any rules or mores of behavior around it are more out of
24 respect.

25 Q. Somebody told me the other day about a myth related

1 to a certain monster in South Texas when they grew up,
2 thinking that this monster would sometimes land on top of your
3 house, and had big wings, and could snatch babies out of your
4 hands. Looking at myths, and other such things as that, do
5 you think that those things are often created over time to
6 control the behavior of people who live in those areas?

7 A. That's not the way I understand myth. When I talk
8 about myth, I'm talking about the stories that people tell
9 that explain who they are and how things came to be. And
10 they're considered sacred stories, and they are, they come
11 from the source, whatever way that culture understands that
12 and describes it in their myth of the stories. And if you
13 look at a set of myths in a culture, there are going to be
14 stories that sort of describe how you should act and what you
15 shouldn't be doing, and so on, but I don't think of it as
16 these stories were created to control the way people behave.
17 I think the way people understand and experience their stories
18 is, these are the stories that have been passed to us because
19 they're truth for us.

20 Q. Okay. Let me see if I can put this a different way.
21 Every society, though, has rules and laws that people are
22 expected to follow; correct?

23 A. Well, I wouldn't use the word laws, I think that's
24 particular kinds of societies; they have norms.

25 Q. Okay, norms. And people are expected to follow by

1 those norms; right?

2 A. Uh-huh.

3 Q. And if they don't there may be consequences to those
4 actions; correct?

5 A. Yes.

6 Q. Now you earlier stated, in direct examination, that
7 you had studied interpretations that said that marijuana has a
8 role in the Bible, and I just wanted to ask you what the
9 source is for your statement that that's true.

10 A. Let me see, I can't remember if I included that in my
11 report. This may be something I read after I had written
12 this, because I was really concerned to find credible sources
13 there and not just some of the general kinds of claims made.
14 And it's not in this bibliography. I know I was reading a
15 piece from a, I think I might have it here, a professor from a
16 university. Carl Rock, from Boston University, is one source
17 that has argued that the linguistic evidence supports the use
18 of cannabis.

19 Q. Now is he using other sources upon which he's relying
20 that you would find to be credible sources?

21 A. I don't have all of that data.

22 Q. Okay.

23 MS. GOULD: May I have a minute, Your Honor?

24 THE COURT: You may.

25 MS. GOULD: Your Honor, at this time the government

1 would move to admit its Exhibit Number 1 into evidence. And
2 we're done with our questioning for the time being.

3 THE COURT: Your response, Mr. Robert, to
4 government's Exhibit Number 1.

5 MR. ROBERT: Well, this photograph is not
6 representative of the practice of Mr. Quaintance and his
7 Church of Cognizance. I'm told that this photograph comes
8 from a fellow in Hawaii, who is also what they call EC or
9 enlightened cognizanti, and who is affiliated with the Church
10 of Cognizance. I'm further told that this photograph is not a
11 picture of anything that happened at any kind of a Church of
12 Cognizance event. It does appear on the website, and so to
13 the extent that it doesn't represent what happens with the
14 Church of Cognizance, I have to object as to its being
15 irrelevant.

16 Why Mr. Jeffries put it on the website, I can't begin
17 to say, but it is there, so, you know, I can see arguments
18 both ways. But I object to it. It's not relevant and it's
19 certainly not relevant as to what Danuel and Mary Quaintance
20 do in their religious practice.

21 The other picture is a photograph of the plant and it
22 says "Give thanks and praises for the earth," I don't have any
23 objection to that.

24 THE COURT: Your response, Miss Gould.

25 MS. GOULD: Yes, Your Honor. We got this picture by

1 following a link out of the Quaintances' website. It's a
2 church that proclaims also to be a branch of the Church of the
3 Cognizance. And so if it's linked to their website, it leads
4 the viewer to believe that this is, indeed, part of what they
5 proclaim and part of what they believe. I believe it should
6 be allowed as relevant evidence to show that they have this on
7 their website. I mean, if they're going to now say that they
8 don't support children of this age smoking marijuana, they
9 might want to reconsider what links they have on their website
10 and what brother, sister churches they have that are linked to
11 their website, Your Honor. It's on there and it's clearly
12 linked.

13 THE COURT: Let me ask you this, Miss Gould; is there
14 any problem that you see with the fact that the witness that
15 you tendered this through had no knowledge of the exhibit?

16 MS. GOULD: Your Honor, we can always offer it again
17 later if it's necessary, if the Court finds that we don't have
18 a big enough foundation at this point.

19 THE COURT: Why don't you do that, because I don't
20 think the foundation has been laid?

21 MS. GOULD: Okay. Thank you.

22 THE COURT: Anything further?

23 MR. ROBERT: A little redirect, Your Honor.

24 REDIRECT EXAMINATION

25 BY MR. ROBERT:

1 Q. Doctor, you referred a little bit during your
2 testimony on cross-examination to synchrotism; what is that?

3 A. Well, it's a term that we use in anthropology to
4 refer to the combining of a religious practice or beliefs
5 between two or more traditions. So vodou in Haiti, for
6 instance, is considered a synchrotic religion, it's a
7 combination of African vodou traditions with Catholocism.

8 Q. If a person studying diligently. Various religious
9 traditions, decides that there's a piece of Catholocism that
10 he likes, and a piece of vodouism that he likes, and a piece
11 of Sufi that he likes, and a little bit of Zoroastrism, first
12 of all, would that be within the definition of synchrotic that
13 you just discussed now?

14 A. Yes, and not unlike what a lot of people, at least in
15 California are doing. I mean, this is kind of the New Age,
16 this is, when I talk about new religious movements and
17 religion and change in my courses, this is what we talk
18 about. A lot that people are, you know, this is part of this
19 post modern world we live in where we are not bound to a
20 tradition we grew up in and we're able to, you know, choose
21 things that we think make sense. And, I mean, we, in general,
22 it's an option available. And many Americans are doing that.
23 Books have been written on this as the character of American
24 religiosity today.

25 Q. That's interesting, because one of the things that

1 you and Miss Gould talked about on cross-examination is this
2 sort of cultural disconnect and the notion that, well, gosh
3 you're an American, you need to have an American religion kind
4 of thing. And you mentioned California; of course, you're
5 from there, and you're from the Bay Area, I think?

6 A. Yes.

7 Q. And how uncommon is it in California, or anywhere
8 else in this country, for Americans to adopt Eastern religious
9 traditions, for example?

10 A. It's very common. It's very common, and I can't give
11 you numbers, I didn't pull just some data on that for today.
12 But I certainly, I mean it's not uncommon across the U.S.,
13 it's not just a phenomena of California, that people would
14 like to make those stories. But we've got, you know, we've
15 got ashrams all over the country, and Buddhist meditation
16 centers all over the country. There are, I think it's quite
17 common. And often people are doing just what you said,
18 finding the elements that speak to them from one or more
19 traditions and creating their own practice.

20 Q. If a person were to do that, let's say in the aspect
21 of Catholocism, again, using that example, and then several
22 other things, as I mentioned, and this is synchrotized into a
23 new sort of spiritual framework for the individual that's done
24 it; first of all, would you consider it to be a religion?

25 A. I would consider it to be their spiritual -- this is

1 where the word religion gets a little problematic to me --
2 but, yes, it would certainly be a legitimate spiritual
3 practice.

4 Q. And how do you suppose the orthodox, if that's too
5 loaded of a word probably, but the conventional practicing
6 Catholic would view this sort of --

7 A. That's harassing, probably.

8 Q. You talked a little bit about, actually in various
9 contexts with Miss Gould, about the notions of formality in
10 different ways. And then you talked, in part, about the
11 notion of formality in a setting, for instance, sacramental
12 setting, and she asked you questions about, you know, isn't it
13 common for religions to be, most religions, I think was the
14 phrase that she used, to have a sort of a sacred formal
15 setting before the consumption of sacramental substances. Are
16 there religions for which such formality in place is not
17 required?

18 A. Yeah, I -- What do you mean, formality in terms of
19 the way it's done?

20 Q. Well, for example, I mean, you were probably raised
21 in a fairly conventional, I think we talked about this, a
22 conventional Christian upbringing, as was I, where communion
23 was on, at a certain point during the mass, at a certain
24 place, with the invocation of certain words.

25 A. Uh-huh.

1 Q. And I guess my question is, it sort of relates to the
2 question that you discussed with Miss Gould, are there
3 religions in which such formality, and place, and ritual, are
4 not part of the sacramental process?

5 A. Yes.

6 Q. And I think you talked a little bit, in your response
7 to Miss Gould, about the notion of intention in that
8 connection?

9 A. Uh-huh.

10 Q. In the context of, for want of a better phrase, the
11 requisite formality for sacramental practice. Can you tell me
12 what you mean by the word intention in that context?

13 A. Well, I think it's the simple notion that what one's
14 intention is will affect what happens. So if I want to get
15 high and have fun, that's one intention. If I wanted to
16 attain spiritual insight, that's a different intention. And
17 so having the intention of spiritual insight or spiritual
18 communion with healing, all of the above, is the, is the way
19 scholars have understood what characterizes the spiritual use
20 of psychoactive substances.

21 Q. In your conversation with Miss Gould you also talked
22 about the notion of the entheogenic plant as teacher?

23 A. Uh-huh.

24 Q. I think we also talked about that a little bit on
25 direct examination. Is -- and you also said, I'm trying to

1 pull together a couple of threads that you discussed on cross,
2 and one of them was, in addition to that, the notion that it
3 is actually sort of unusual among, across the spectrum of
4 religions, for proselytation to be present?

5 A. Uh-huh.

6 Q. Where, where an entheogen is considered to be a
7 teacher?

8 A. Uh-huh.

9 Q. Would it be weird or unusual for the practitioner of
10 that religion to espouse its use by others for the purpose of
11 attaining a heightened spiritual awareness?

12 A. No.

13 Q. One of the things you just said was, "If I wanted to
14 get high, just to have fun, that's one thing. If I'm doing it
15 sacramentally, that's another." Is it possible for a person
16 to go into that kind of an event with one intention and come
17 out of it with another?

18 A. I'm convinced of that now, yes. When I started
19 working in this area I felt that those were really clear,
20 separate intentions and experiences. And I really feel that
21 I've gathered a fair amount of data over the last seven years
22 to convince me that that's very common.

23 Q. In fact, are there -- what parallels can you think of
24 in a more conventional religious setting to that sort of a
25 thing, nothing entheogenic, comparable?

1 A. Right; to say that some experience you were having
2 suddenly became spiritual?

3 Q. Yes.

4 A. Well, I think that that happens for people sometimes
5 when they're out in nature, when they're out in the natural
6 world and they have, that they have what they can come back
7 and call a spiritual experience and it can change their life.
8 I think it can happen in relationships sometimes. And I, of
9 course, you know, people become converted all the time, I mean
10 they can be at a church or a, I don't know, one of these, like
11 Billy Graham rallies, or something like that, and then be
12 moved to go up to the stage and be saved. So that's
13 considered a legitimate conversion and experience that may not
14 have been their intention when they went there. They might
15 have been curious, that's why they went. So I think that
16 profound experiences of unity are what people understand as a
17 spiritual experience. And I think that happens to people out
18 on the mountain top as well as with a substance such as
19 cannabis.

20 Q. Or a church?

21 A. Or a church.

22 Q. Just to clarify a couple of things that you and Miss
23 Gould discussed. Are there religious traditions that don't
24 concern themselves with where, what happens to your spiritual
25 essence when you die?

1 A. Yes.

2 Q. And a sort of a related question when she talked
3 about other --

4 A. Can I correct that statement? I think it would be
5 more accurate to say there are cultures that do not have a
6 religious explanation for what happens to you when you die.

7 Q. In those cultures are there religious traditions?
8 Actually, I think you said all cultures have some kind of
9 religious tradition.

10 A. Well, if you're using the term broadly, yeah.

11 Q. Well, I guess the question then comes back to what
12 Miss Gould asked you, which is, is it -- I can't remember the
13 phrase that she used -- either is it common, or in most
14 religions, have a theology which includes a description of
15 where a person's spiritual essence goes once their mortal
16 remains are?

17 A. I think it's common that society's cultures address
18 that.

19 Q. Do all religions?

20 A. No, they don't.

21 Q. Do all religions believe or manifest a belief in a
22 place, for instance, heaven, hell, purgatory?

23 A. No, not at all.

24 Q. You and Miss Gould discussed the notion of writings
25 within a religious tradition. Obviously, in the Christian

1 tradition the Bible, and various other writings, are
2 reported. Similarly, with Judaism and Islam, there are
3 central writings. Is it necessary for a thing to be called a
4 religion to have its own set of writings?

5 A. Not to me, not from the point of view of
6 anthropology, not at all.

7 Q. And returning to the notion of synchrotic processes,
8 are there religions that borrow writings from other religious
9 traditions?

10 A. That borrow writings?

11 Q. Yes, as part of their own tradition.

12 A. Certainly.

13 Q. One of the things that Miss Gould asked you about
14 related to the strictures that society imposes on the
15 practices of religion, and I think in particular the point of
16 her question was the entheogenic practice of religions; could
17 you talk a little bit about that as far as how common is it
18 for a society, a civil society, to put restrictions on a
19 religious practice that includes the use of cannabis, for
20 example?

21 A. When you say civil society, what are you referring
22 to?

23 Q. Government.

24 A. How common is it for a government to impose
25 restrictions on the use of psychoactive substances?

1 Q. That's, obviously goes without saying, here. That's
2 why we're in this room.

3 A. Well, yeah, I think that it's fairly recent. When
4 you use the word government, that means a very specific kind
5 of thing. In anthropology it refers to a society that has a
6 centralized system of power and control over the society. And
7 those societies have existed for about the last 5,000 years.
8 And not all societies have existed that way. Tribal societies
9 -- I hope this isn't too much of a digression -- the process
10 that's going on in Afghanistan right now is an example of the
11 effort to get the state in control of what are really
12 indigenous tribal entities that do not historically succumb to
13 an external centralized power; okay.

14 The Maya state was, used entheogens as part of the
15 indigenous, as part of the central part of their religious
16 practices spiritual of the culture. So that state didn't
17 impose restrictions. I don't know exactly whether there were
18 restrictions on who participates, and when and in what ways,
19 but there were certainly a recognition of the power, you know,
20 in the state. And it was a, it was a religious state.

21 I think that, you know, what I'm trying to say is
22 that most cultures that use these substances have existed
23 prior to or outside of state organizations. Where the state
24 begins to amass control over large numbers of people that, it
25 may have distinct traditions, I think is when you begin to see

1 this kind of control over the religion and the practice.

2 Q. It occurs to me, though, I asked the wrong question,
3 but you answered the right one. It seems to me that the right
4 question is, well, can you say, well, over what period of time
5 does the anthropological record, or the archeaological record,
6 or I guess the two have to correspond in some ways,
7 demonstrate the use of psychoactive substances in religious
8 practice, 2,000, 5,000, 20,000 years?

9 A. We're talking thousands of years. I'm just wary of
10 giving a precise number.

11 Q. That's fine, and I'm not looking for one. So
12 thousands of years. And I guess the real question should have
13 been, how recently did those things start to become
14 prohibited?

15 A. I mean, so many substances that are prohibited now in
16 the U.S. were only prohibited in the 1970's. I mean these
17 substances are considered sacred most elsewhere. So I don't
18 know the history in Europe as to when prohibition on some of
19 these substances occurred, and so on. I think that it's a
20 quite recent, it has to be post-Reformation, you can consider
21 it, and maybe it's part of the whole Reformation process. I'm
22 sorry, not Reformation, the, what am I referring to here, the
23 Renaissance, the, you know, the period of the witch burnings,
24 the persecution of any non-Christian, any non -- you know,
25 when the definition of what is counting as Christian began to

1 eliminate anything not considered doctrine in Europe.

2 Q. You said that you had had only an opportunity to talk
3 with Mr. Quaintance over lunch?

4 A. Very briefly.

5 Q. Did you talk with him at all about things of interest
6 to anthropology, of the anthropology of religion?

7 A. Just got a little. He told me a little bit about
8 the, what he learned about the healing aspect of the seeds of
9 cannabis.

10 Q. Based on your own research, did he seem to know what
11 he was talking about?

12 A. Yes. There are areas of this that I would consider
13 him more scholarly informed than I am, because he's been
14 focusing on that particular area. And as an anthropologist,
15 I'm always working across many different topics and trying to
16 encompass this global understanding, so I can't specialize in
17 everything. I think he's extremely knowledgeable in these
18 areas.

19 Q. All right. Thank you.

20 THE COURT: I take it you have re-cross?

21 MS. GOULD: Yes, I do.

22 THE COURT: Very briefly.

23 MS. GOULD: Thank you. Actually I can cover it in
24 just one question.

25 THE COURT: All right.

RECROSS-EXAMINATION

BY MS. GOULD:

Q. Doctor, would you say that when somebody proclaims to be a Christian, whether they're a Methodist, a Lutheran, a Catholic, an Apostle, Baptist, when somebody says they're a Christian, at the very root of that, you would understand that they follow the teachings of Christ; is that right?

A. I understand that to be the meaning of the word Christian. I don't know, however, individual --

Q. If somebody comes up to you and they say, "I am a Christian," in your mind, as an anthropologist, that means that they follow the tenants and teachings of Christ; is that right?

A. That they're claiming that they do, yes.

MS. GOULD: Okay. Thank you.

THE WITNESS: Can I just say a word to the Court?

THE COURT: Well, I don't think so, not at this point.

May this witness be excused?

MR. ROBERT: I'm inclined to try, since I should get the last word, to ask a question to elicit the last --

THE COURT: Go ahead.

MR. ROBERT: With the Court's permission.

FURTHER REDIRECT EXAMINATION

BY MR. ROBERT:

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1 Q. Is there anything, briefly, that you didn't have an
2 opportunity to finish your response to the last question?

3 A. No, I think that I just wanted to say that these
4 questions are challenging in that they involve trying to
5 summarize a very diverse, very, a very diverse group of
6 societies. So when you're trying to characterize what's true
7 about the human species is very challenging. So I hope that
8 the answers have been, I've tried to make them clear and not
9 at all ambiguous. But I know that's part of the nature of my
10 profession.

11 Q. Let me ask you one thing about the one question that
12 Miss Gould asked you. Is it the case, in the universe of
13 possibilities and the way people live their lives, that, for
14 somebody to claim to be a Christian, which ideally would mean
15 somebody that follows the teachings of Christ, who, by all
16 outward appearances, does not do so?

17 A. There is no question in my mind about that.

18 MR. ROBERT: Thank you. The witness can be excused.

19 THE COURT: All right. Thank you for your testimony
20 today Dr. Pruitt. It's certainly something we don't hear in
21 this courtroom every day. Thank you.

22 All right, you may call your next witness.

23 MR. ROBERT: Richard Mack. I will go get him.

24 MR. MARTINEZ: Your Honor, I don't know who Richard
25 Mack is. We weren't told who Richard Mack or what--