

# Justices OK use of hallucinogenic tea: No "compelling interest" for limiting religious freedom

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In a case related to religious freedom, the U.S. Supreme Court has unanimously sided with members of a small New Mexico sect in their bid to use hallucinogenic tea in religious rituals.

Chief Justice John Roberts, in his first such case, said the sect's right to religious expression and practice supersedes federal drug control laws that were used to confiscate the tea, known as hoasca.

The Court's ruling on February 21 also served as a strong endorsement of the 1993 Religious Freedom Restoration Act, which requires the government to show a "compelling interest" before it can limit religious freedom.

Roberts said the law gives courts the authority to "strike sensible balances" in weighing government regulation and religious expression. Religious groups had watched the case closely because, they said, it had wide implications for the right of all groups to practice their faith without risk of government interference.

The 130-member O Centro Espirita Beneficiente Uniao do Vegetal (UDV) says the tea that is brewed in the faith's Brazilian homeland gives members a "heightened spiritual awareness" that allows them to communicate with God.

The tea contains the drug dimethyltryptamine (DMT), which is banned under the 1970 Controlled Substances Act and a 1971 international treaty that forbids its importation.

Roberts rejected arguments that the use of hoasca threatens the drug law and said the "circumscribed, sacramental use" of the drug for religious purposes could be allowed.

Both Roberts and the UDV's lawyers noted that peyote—which also contains DMT—has been allowed for years in Native American religious rites. “If such use is permitted . . . for hundreds of thousands of Native Americans practicing their faith,” it is difficult to justify denying “consideration of a similar exception for the 130 or so American members of the UDV who want to practice theirs,” Roberts wrote.

The decision upheld two lower court decisions that said federal agents were wrong to confiscate the tea in 1999, and sent the case back for “further proceedings” that take the opinion into account.

Justice Samuel Alito, the newest member of the Court, did not participate in arguments or the Court's decision. *-Religion News Service*