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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF ARIZONA**

10 The Church of the Eagle and the Condor, et
11 al,

12 Plaintiffs,

13 v.

14 Merrick Garland, Attorney General of the
United States, et al,

15 Defendants.
16 _____ /

Case No.: CV-22-01004-PHX-SRB

**Declaration of Joseph Tafur, MD in
Support of Plaintiffs Opposition Motion
to Defendants Motion to Dismiss**

Judge: Honorable Susan R. Bolton

17 I, Joseph Tafur, MD do hereby declare:

18 The following facts are based upon my personal knowledge, and if called as a witness
19 herein, I could and would competently testify under oath as to the facts set forth herein.

20 1. I am a citizen of the United States. I was born in Topeka, Kansas. At the age of four,
21 my family moved to Phoenix, Arizona where I was raised and completed high school. I
22 graduated from the University of California, Los Angeles (UCLA) in 1996 with a degree in
23 biology. I graduated from the University of California, San Diego (UCSD) School of
24 Medicine in 2003 as a medical doctor. I completed my Family Medicine Internship at St.
25 Joseph’s Hospital in Phoenix, Arizona in 2004 and my Family Medicine Residency at UCLA
26 in 2006. From 2007-2009, I completed two years of postdoctoral research at the UCSD
27 Department of Psychiatry. I am licensed as a medical doctor in the states of Arizona and

1 California. I am currently a fellow and guest lecturer at the University of Arizona Center for
2 Integrative Medicine.

3 2. In 2009 I returned to Arizona from California and currently live in Phoenix. In Phoenix
4 I am involved in integrative medical practice and as mentioned am currently a fellow at the
5 University of Arizona. I teach about holistic medicine and spiritual healing at the University
6 of Arizona as well as through independent programs that I offer online.

7 3. I am one of the spiritual leaders of the Church of the Eagle and the Condor (CEC) in
8 Phoenix, Arizona, which position I have held since the inception of the church in 2017. The
9 CEC is a duly registered religious nonprofit organization in the State of Arizona. There are
10 approximately 45 CEC members in Arizona.

11 4. The CEC is a religion and spiritual community dedicated to the reunification of
12 humanity in fulfillment of the Prophecy of the Eagle and the Condor. The CEC membership
13 consists of people from all walks of life, of many nationalities and races. Each member is
14 committed to a prayerful, conscious way of life guided by the Navajo/Diné Wisdom Carriers
15 of the Southwestern United States, as well as the South American Pachakuti Mesa Tradition
16 and Shipibo Tradition carried forth by the leaders of this Church. The community meets
17 regularly for prayer, ceremonies, gatherings, and sweat lodges. I am also a Ayahuasquero of
18 the CEC, one of the main persons responsible for the care, possession, distribution, and
19 security of the ritual and essential sacrament Ayahuasca. I have been highly trained in the
20 ritual use of Ayahuasca under the tutelage of a Maestro Ayahuasquero of the Shipibo
21 traditional lineage in Peru.

22 5. My spiritual path has guided me to my current vocation. I was born and raised in the
23 Catholic religion. My parents are devout Catholics who immigrated from Colombia, South
24 America. We attended Catholic mass regularly throughout my upbringing. In the Catholic
25 church, I was introduced to the concept of sacrament, defined as a religious ceremony or ritual
26 regarded as imparting divine grace. As a child, I was guided through the sacraments of
27 Baptism, First Communion and Reconciliation. In high school, after completing

1 extracurricular religious education I was guided through the Catholic sacrament of
2 Confirmation. Therefore, I fully understand the importance of the CEC's sacramental use of
3 Ayahuasca as it relates to my experience as a Catholic and find many similarities including
4 how the sacrament of both the Catholic Church and the CEC is essential to imparting divine
5 grace and connecting to the Divine.

6 6. My religious upbringing instilled in me an appreciation for spiritual life, social
7 consciousness, concern for the welfare of the less fortunate, and a general desire to contribute
8 to the community. In college, I spent less time at Catholic church but continued serving the
9 community through a number of activities, including work with disadvantaged youth at UCLA
10 and related work in San Diego. My spiritual life became primarily about service and
11 eventually evolved into my career in medicine. In medical school at UCSD I was awarded the
12 Richard Juarez Commitment to the Community Award. I have been involved in community
13 clinics as well as free clinics for the homeless in the United States. I have also worked as a
14 doctor in impoverished areas of Honduras and British Guyana.

15 7. After college and in medical school, I explored Eastern spiritual practices such as
16 meditation and returned to Catholic mass when visiting my parents. When attending mass, I
17 would occasionally receive the sacrament of Holy Communion (The Eucharist) and other
18 times I would not, as is my choice within the religion.

19 8. During medical school I also had the opportunity to enter Native American sweat lodge
20 and learn with an Apache medicine woman who guided those ceremonies. Growing up in
21 Arizona I had some exposure to Native American spirituality, but under her guidance I had
22 the opportunity to explore indigenous spiritual practice more fully. I became very inspired by
23 Native principles that not only honored the divinity of the heavenly, but also honored the
24 divinity of all creation, the divinity of the earthly realm. I was moved by the concept and the
25 practice of honoring both the Creator and Mother Earth. This has become very important to
26 me.

27 9. While in medical school I explored different sources of support, medical,

1 psychological, and spiritual. In the end, I found myself particularly grateful for the support of
2 the Apache medicine woman and for indigenous spiritual practices.

3 10. In the Amazonian Shipibo tradition, the tradition into which I was initiated, Ayahuasca
4 is believed to be a divine spirit of nature, accessed by imbibing the Ayahuasca tea in sacred
5 ceremony. According to ancestral culture, what happens in Ayahuasca ceremony is that we
6 connect to a spiritual intelligence beyond our ordinary comprehension. We commune with the
7 Divine.

8 11. The word ayahuasca itself is taken from the Quechua language, indigenous to Peru.
9 Aya means death or spirit and huasca means vine, the spirit vine. Ayahuasca ceremony has
10 been part of Amazonian culture for at least 1000 years and continues to be practiced legally
11 throughout the region, in Brazil, Colombia, Peru, Ecuador and Bolivia. In Peru the practice
12 of Ayahuasca ceremony is honored as part of their national cultural heritage. Over the last
13 century, syncretic spiritual communities which also utilize Ayahuasca in sacred ceremony have
14 emerged. Two, for example, the Uniao do Vegetal (UDV) and Santo Daime, originating in
15 Western Brazil have incorporated Christian practices and have become formalized religions
16 recognized by the Brazilian government. These syncretic religions learned to utilize
17 Ayahuasca from indigenous Amazonian spiritual teachers, whose tradition, once again,
18 extends much further into the past. The UDV and Santo Daime have spread across the world
19 and into the United States, where their sacramental use of Ayahuasca has also been given legal
20 protection under the Religious Freedom Restoration Act.

21 12. The Shipibo are an indigenous people of the Peruvian Upper Amazon. They are well
22 known for their mystical tradition of working with sacred plant medicines and over the past
23 decades have begun to share their practice with outsiders. In the Shipibo culture, the
24 “medicine man” or “medicine woman” (as spiritual healers/teachers are often known in North
25 American Native American culture) that train to work with Ayahuasca are known as Onanya.
26 Onanya means one who has learned the wisdom of the plants. In Spanish this person is
27 referred to as a Curandero/a (spiritual healer/teacher) or more directly as an Ayahuasquero/a

1 (spiritual healer/teacher that guides sacred Ayahuasca ceremony).

2 13. When I completed my Family Medicine Residency, I decided to pursue an opportunity to
3 experience sacred Ayahuasca ceremony in the Shipibo tradition in Peru. In 2007, I traveled
4 to Peru to experience traditional Shipibo Ayahuasca ceremony as part of a spiritual retreat. I
5 traveled to a retreat center outside of Iquitos, Peru. I underwent traditional preparation which
6 involved social and dietary preparation and, in this case, a cleansing plant vomitive for
7 physical and spiritual purification. While observing the restrictions, I entered three Shipibo
8 Ayahuasca ceremonies guided by master Ayahuasqueros. My experiences there were
9 extremely profound. I encountered the spirit of Ayahuasca and in turn gained access to a form
10 of Divine consciousness. I was deeply inspired by the guidance and support provided by the
11 Shipibo Ayahuasqueros throughout this process.

12 14. From this experience I felt that I had been reconnected to South American roots, to
13 ancestral indigenous culture and to communion with the Divine through the sacrament
14 Ayahuasca. I returned to Peru several times and grew closer to one Shipibo Ayahuasquero
15 Ricardo Amaringo. I continued to enter Ayahuasca ceremony within the traditional context
16 and advanced my understanding of the practice. At one point, Ricardo shared with me his plan
17 to start a new retreat center where traditional Shipibo culture could be shared with foreigners.

18 15. In 2011 with our Canadian partner Cvita Mamic (now an Ayahuasquera in her own
19 right), we opened our retreat center Nihue Rao Centro Espiritual also outside of Iquitos, Peru
20 (Nihue Rao is the Shipibo name for a tree abundant on the property considered to be sacred,
21 and Centro Espiritual in Spanish meaning Spiritual Center). I worked at and helped to manage
22 Nihue Rao Centro Espiritual for six to eight months of the year from 2011-2017. When I was
23 not at Nihue Rao, I was back in Phoenix, Arizona working as a family physician.

24 16. Over my time at Nihue Rao, I entered traditional apprenticeship under Ricardo
25 Amaringo to become an Ayahuasquero under his lineage. This was an arduous process,
26 considered by many to be a spiritual path of considerable dedication, requiring years of study
27 and sacrifice. I described this path in my book *The Fellowship of the River: A Medical*

1 *Doctor's Exploration into Traditional Amazonian Plant Medicine* released in 2017. My
2 training was completed after six years of my dedicated time at Nihue Rao, ten years after my
3 first experience with Ayahuasca ceremony.

4 17. In 2017, after completing my Amazonian training, I began to spend more time back in
5 the United States, primarily in Phoenix, Arizona. As an Ayahuasquero I was hoping to share
6 what I had learned, including Ayahuasca Ceremony. I was aware that Santo Daime and UDV
7 had been through processes in the courts which resulted in their ability to import, possess and
8 use Ayahuasca. I hoped that the indigenous practice of Ayahuasca ceremony, at the root of
9 both legally recognized churches, could achieve similar status.

10 18. While lecturing in Mesa, Arizona I met Belinda Eriacho and Naomi Tsosie, two Navajo
11 (Diné) medicine women originally from the Navajo Reservation in Northern Arizona. Belinda
12 is of both Navajo and Zuni heritage. Both Naomi and Belinda have extensive experience in
13 traditional Navajo/Native American spirituality and sacred medicine culture. They have
14 traveled extensively, learning and sharing with Native American spiritual healers and teachers
15 from North, Central and South America.

16 19. We developed a friendship as they had also been through profound experiences with
17 Ayahuasca ceremony and were interested in sharing this sacrament with members of their
18 community, whom they felt could benefit. I explained to them that I was also interested in
19 sharing the Ayahuasca sacrament with their community and that I had hoped we could form
20 some type of alliance.

21 20. They introduced me to their close friend Dr. Rodney Garcia MD from New Mexico.
22 Rodney had also experienced divine communion in Ayahuasca Ceremony and was interested
23 in seeking a legal pathway to bring indigenous Ayahuasca Ceremony to the United States.
24 Rodney Garcia had already incorporated a church in New Mexico in 2015 under the name,
25 "Eagle and Condor Native Americas Church." Rodney had been apprenticing under don Oscar
26 Miro-Quesada. Don Oscar is a Peruvian spiritual healer and teacher living in the United
27 States. Don Oscar had guided Rodney to learn about ancestral Peruvian spiritual practices

1 including those of the Pachakuti Mesa tradition. The Pachakuti Mesa Tradition has its origins
2 in the Peruvian Highland and Coastal regions. The Pachakuti Mesa Tradition is an
3 amalgamation of millenias old, oral traditions, apprenticed through ritual ceremony and
4 Pilgrimage to sacred sites. This Cosmology expresses itself in a contemporaneous relationship
5 with All of Creation. Lunar and Solar Cycles are central to the timing of Pachakuti Mesa
6 Tradition ceremonies, known as Mesadas. Central to its practice in Sacred Ceremony and in
7 daily life is the act of Ayni - Sacred Reciprocity. This tradition similarly promotes spiritual
8 healing and personal growth, guided by ritual and ceremony. Don Oscar's lineage are also
9 wisdom keepers of the aforementioned Prophecy of the Eagle and the Condor.

10 21. In 2018, Belinda, Naomi, Rodney and I entered traditional Navajo ceremony with
11 members of our community to pray for a safe pathway for Ayahuasca ceremony and to pray
12 for our own path as guardians of the sacrament Ayahuasca. After that ceremony, we were
13 inspired to formalize our spiritual community and we founded what has become the Church
14 of the Eagle and the Condor. We realized that in addition to finding a safe pathway for our
15 sacred Ayahuasca ceremony, we wanted to contribute to the Great Awakening of a culture in
16 crisis, by sharing ancestral wisdom in spiritual community, and by honoring the indigenous
17 spiritual practices of the Americas.

18 22. The CEC is guided by the Diné tradition of the United States Southwest, the Pachakuti
19 Mesa tradition of the Andes, and the Shipibo tradition of the Peruvian Upper Amazon. We are
20 the grandchildren of the ancestors who foretold this Prophecy who carry the legacy of the
21 Diné (Navajo), the Tamahara, the A:shiwi (Zuni Pueblo), the Quechua-speaking people, the
22 Shipibo, the European Judeo-Christian, and all of the people of the Americas, including all
23 of those who have emigrated to the Americas over the centuries--all of our relations, we are
24 one people.

25 23. We have come together through our sacramental use of Ayahuasca. The sacramental
26 use of Ayahuasca is central to our religion and to our spiritual practice. The Sacrament of
27 Ayahuasca, through the natural bounty of Mother Earth, guides us to our personal encounter

1 with the Divine.

2 24. As descendants of the Eagle people and the Condor people, we, the Church of the Eagle
3 and the Condor, recognize our part in the Prophecy’s fulfillment, and our responsibility in
4 building and nurturing this union. It is in the sharing of our wisdom and our practices that we
5 advance the reunification of the heart and mind, the coming together of peoples, and the
6 intentional reestablishing (restoration) of balance and harmony between humankind and
7 Mother Nature.

8 25. The CEC and its members, the descendants of our grandparents and ancestors, have
9 come together through our sacrament Ayahuasca. We believe the Spirit of Ayahuasca (“The
10 Grandmother”) is a divine being. We recognize her role in the advancement of the fulfillment
11 of the prophecy in this time. She has spread to North America to help bridge the cultures of
12 the Eagle people and the Condor people and to help us heal the spiritual wounds of our past.
13 When utilized in the proper context, Ayahuasca helps us to establish harmony between the
14 heart and the mind, Intuition with Reason through our connection to the Divine. We bring our
15 cultures, wisdom, rituals, ceremonies, and practices together in fulfillment of the Prophecy of
16 the Eagle and the Condor, as we take steps toward higher consciousness and re-unification.

17 26. We are guided by the traditions of our ancestors, that have come together in the
18 fulfillment of the prophecy. The Diné teaching on “The Corn Pollen Path” of life guides us
19 to walk in harmony and balance (“Hozho”) with all of Creation. The Corn Pollen Path leads
20 us to harmony and balance of the mental body, physical body, emotional body and spiritual
21 body. When we are in disharmony in any of these areas, it creates dis-ease, stress, illness, and
22 discord. By partaking our sacrament Ayahuasca in sacred ceremony, we enter in direct
23 communion with the Divine. In this communion, the Grandmother facilitates the realignment
24 of mind, body, emotion, and spirit. Harmony and balance within brings harmony and balance
25 to our external world.

26 27. Foundational to the moral system of the CEC is the “development and practice of
27 awareness of the Divine Light within that yields the fruit of discernment and mindfulness

1 necessary to follow a righteous path.” The Diné, Pachakuti Mesa, and Shipibo traditions guide
2 us in this development and practice, through rigorous self-discipline and self-inquiry. We are
3 responsible for our own healing and for the development of our discernment and mindfulness.

4 28. Partaking of Ayahuasca in sacred ceremony is an essential sacrament of our faith as it
5 brings us face-to-face with the Divine in all things. Sacred ceremony helps us to heal our
6 hearts, minds and bodies, and guides us toward a more integral life.

7 29. When we partake of the Grandmother, the Sacrament of Ayahuasca, with heartfelt
8 intention for guidance and healing, we enter in direct communion with the Divine. She, the
9 Spirit of Ayahuasca, allows us to witness the myriad ways in which we are living out of
10 alignment, and guides us to remember our Oneness; the interconnectedness with the All of
11 Creation and, remind us of ourselves and our Divine Nature.

12 30. The Sacrament of Ayahuasca is consumed only in church sanctioned ceremonial
13 situations. The Sacrament is obtained only from sources known to, and screened by the CEC’s
14 Board of Directors. The Sacrament is ordered from these sources by the Church’s
15 Ayahuasquero as the need arises.

16 31. Shipping processes are in line with the country of origin’s needs and according to the
17 original preparer’s requirements. The Sacrament of Ayahuasca is acquired, stored, transported,
18 handled and dispensed in a secure manner in line with previously established guidelines used
19 by the UDV. Only Authorized church officials may handle the Sacrament. Authorized officials
20 are commissioned by the CEC’s Board of Directors according to established guidelines that
21 delineate the members’ preparation and readiness to have custody over the Sacrament.
22 Authorized officials are evaluated through the Church’s internal process for determination of
23 their ability to manage the Sacrament in a reverent, ethical and guarded manner.

24 32. The Sacrament of Ayahuasca is stored in locked environments when not being used in
25 ceremonial proceedings. An authorized church official will transport the Sacrament to and
26 from the ceremonial location. The Lead Facilitator will distribute the Sacrament during the
27 ceremony, with assistance from authorized church members, if needed, to be determined by

1 said Lead Facilitator at the time of the ceremony.

2 33. Records of the receipt and acquisition of Sacrament, brewing of raw plant materials,
3 the storage of Sacrament, volumes used and, the rare but possible discarding of the Sacrament
4 will be in line with previously established measures as agreed upon by the UDV and the Drug
5 Enforcement Agency towards the importation, making, storage, distribution and discarding
6 of Hoasca (Ayahuasca) by the UDV.

7 34. The Church of the Eagle and Condor's faithful adherence to our precepts, that sanctify
8 Ayahuasca as Sacrament, provides the same guarantee against diversion of Ayahuasca as does
9 the UDV and Santo Daime. The Church imbues the handling of Ayahuasca with sacred
10 purpose, and enforces protections against diversion of the Sacrament to profane purposes. The
11 CEC's handling of the Sacrament is essentially the same as previously established guidelines
12 agreed upon for the UDV and Santo Daime Churches.

13 35. In Ceremony, the Sacrament is dispensed only by the lead Facilitator (the
14 Ayahuasequero). Church sanctioned Facilitators are supplied with the Sacrament by the
15 Church for use only in Church ceremony. Any portion of the Sacrament that remains
16 unconsumed after a ceremony is preserved by the leader of the Ceremony, accounted for, and
17 maintained in a secured manner. The lead Facilitator monitors all activities involving the
18 acquisition and dispensing of the Sacrament.

19 36. In September 2020, our sacramental tea, Ayahuasca, was seized and destroyed by
20 defendant, CBP. Such confiscation was perpetrated without notice and without providing any
21 due process. The interdicted sacrament was sent from Shipibo elders at *Nihue Rao Centro*
22 *Espiritual* in Peru. I received the following threat of prosecution:(Doc. 1, pg. 20, ¶50)(See
23 Exhibit 1 to this declaration)

24 Notice: Narcotics and/or other contraband prohibited from entry into the United
25 States, have been seized and removed for appropriate action under
26 19CFR145.509. You will be receiving correspondence from our Fines, Penalties
27 and Forfeitures Branch in the near future.

28 In addition to being deprived of our sacrament and the sacrilegious manner in which the
shipment was destroyed, the CEC and its members sustained an economic loss which included

1 the money paid for the Ayahuasca and associated costs of shipping it to the U.S..

2 37. There are currently approximately forty-five active members belonging to our
3 multicultural congregation. Ayahuasca is the CEC's and its members' only sacrament and,
4 despite the threat of civil and/or criminal sanctions, we (the CEC and its members) have
5 chosen to follow the tenets of our religion rather than be coerced to act contrary to our religious
6 beliefs. At the present we continue to import, possess, and use Ayahuasca and have no plans
7 to stop doing so.

8 38. We are aware of the history of past seizures of ayahuasca, prosecutions and
9 enforcements as well as the government's collaboration with State and local law enforcement
10 authorities. These actions have had a chilling effect on the exercise of our statutory and
11 Constitutional rights to practice our religion without fear of raid, arrest, prosecution, seizure,
12 and forfeiture of our property. Through a FOIA request the CEC requested this information
13 from both the CBP and DEA. Neither agency complied with this request.

14 39. In addition to being deprived of our essential sacrament we have been injured by the
15 destruction of the tea which is sacrilege to the spirit of Ayahuasca, a conscious spiritual being.
16 As a result, we have also endured a spiritual and emotional suffering in knowing the spirit of
17 Ayahuasca, known as Grandmother Ayahuasca, has been destroyed in a sacrilegious manner.
18 Without our sacrament Ayahuasca the CEC cannot perform essential services and the members
19 are deprived of their essential sacrament.

20 40. The CEC and its members decided to bring this action to stop the government from
21 seizing and destroying our essential sacrament Ayahuasca. As discussed herein, the interests
22 the CEC and its members seek to protect, including the legal right to import, possess and use
23 our Sacrament, are germane to the organization's purpose.

24 I declare under the penalty of perjury pursuant to the laws of the United States, that the
25 statements made in this declaration are true and correct to the best of my recollection.
26 Executed this 12 day of December, 2022 at Phoenix, Arizona

27 *Joseph Tafur*
28 _____
Joseph Tafur, MD