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Pot-using church loses its founders

Two step aside, saying charges hinder duties

By Stephanie Innes

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The founders of an Arizona church that considers marijuana a sacrament and deity have stepped down as leaders, saying pending federal criminal charges make it impossible to fulfill their roles.

The Church of Cognizance continues to function in Southeastern Arizona with about 45 members, said 54-year-old Dan Quaintance, who along with his wife, Mary, 51, is facing 40 years in prison if convicted on federal charges of conspiracy and intent to distribute more than 100 pounds of marijuana.

But the church is now "fractured," he said, explaining that the congregation he and his wife founded in 1991 no longer has its spiritual leaders.

Federal authorities arrested the couple on Feb. 22 in Lordsburg, N.M., after discovering 172 pounds of marijuana in the car in which the Quaintances were riding. The driver of the car, 23-year-old Timothy Jason Krip-ner, now is a witness for the government, which says the Church of Cognizance is a front for drug trafficking.

The Quaintances are scheduled to go on trial Oct. 30 in Las Cruces, N.M., though they hope the case will be dismissed before the end of the month. They're awaiting a decision from U.S. District Judge Judith C. Herrera on whether she'll dismiss the case on the grounds that religious freedom should allow them to use the illegal drug.

At a three-day hearing on the motion to dismiss the charges last month, lawyers for the Quaintances cited a February decision from the U.S. Supreme Court, which ruled that the government had no right to seize hallucinogenic tea containing a federally banned substance from members of a New Mexico church or to prohibit its use. The tea, called hoasca, contains the substance dimethyltryptamine, or DMT, known for its hallucinogenic properties.

Members of the O Centro Espirita Beneficiente Uniao Do Vegetal, or UDV, said using the hallucinogenic tea during worship helped them gain union with God. The Supreme Court based its decision on the 1993 Religious Freedom Restoration Act, which says the government needs to justify any action that would substantially burden people from practicing their faith.

Prosecutors with the U.S. Attorney's Office in New Mexico, which also prosecuted the UDV case, do not comment on pending matters. But in court documents, they say the Quaintances are "obsessed and focused on marijuana," and Dan Quaintance's writings about his worship are "disjointed, poorly supported, illogical ramblings." They conclude that the couple's "lack of sincerity is patent."

"Of course, it's terrible," Dan Quaintance said in a phone interview recently. "We're being deprived the benefits of connection — health-wise and spiritual-wise."

Free on bond, the Quaintances are living in their Southeastern Arizona home in Pima, about 90 miles northeast of Tucson, where they remain under court supervision and must submit to weekly urine tests. They have been living without their sacrament since their arrest. The couple said that before their arrest, they smoked or ingested

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marijuana daily.

"We're just sitting here waiting," Dan said. "I think the judge is going to have a hard time ruling against us on the sincerity of our religious practice. If there isn't a favorable ruling on our religious freedom, then I don't believe there is a justice system in America."

The Church of Cognizance, which leaders say has 72 monasteries in members' homes nationwide, has a simple motto: "With good thoughts, good words and good deeds, we honor marijuana; as the teacher, the provider, the protector."

The Quaintances do not grow their sacrament but, rather, say they rely on donations of it, which they pick up from church "couriers." That's what they say they were about to do when they were arrested.

Since the church was founded, at least 20 members have been prosecuted on possession and conspiracy charges, and some have served time in prison, said Mike Senger, a church member who lives in Florence and provides legal assistance to group members, though he is not a lawyer. Senger said the Quaintances' case stands out because it is in the federal court system and because of the Supreme Court's decision in the UDV case this year.

"Usually, we never win. But we may perhaps win in Mary and Dan's case because it is federal court, and there is quite a bit at stake. They are getting some reasonable due process in that court," Senger said. "We just had one of our other members get out of prison after two years. It is a hellish, torturous experience for people who are peaceful and not criminals, who possess marijuana. We don't look at ourselves as criminals."

The case against the Quaintances has hurt unity in the church, said member Danny Hardesty, 40, who lives in Thatcher, near Pima, and is facing criminal charges for marijuana possession in an unrelated case in Yavapai County.

"We haven't been able to go over to their house and talk. We're scattered," he said. "Until it's resolved, it is dampening our lives and our worship."

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