

## Bush Administration Loses Case Against Brazilian Church in the Supreme Court

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Americans United for Separation of Church and State lauded Tuesday's, February 21, U.S. Supreme Court decision barring the federal government from interfering with religious freedom.

The high court ruled unanimously that the government "failed to demonstrate" that it had a "compelling interest in barring" the sacramental use of a tea containing a hallucinogen regulated by federal drug laws.

Americans United joined with other religious and public interest groups to urge the justices to protect the religious liberty of O Centro Espírita Beneficente União do Vegetal, a Brazil-based religious group whose members ingest chá hoasca (hoasca tea) during ceremonies.

"Today's action reaffirms the importance of religious liberty," said the Rev. Barry W. Lynn, executive director of Americans United. "Although this is a narrow decision, the justices reaffirmed that the federal government cannot interfere with religion without a compelling interest."

The ruling in *Gonzales v. O Centro Espírita Beneficente União do Vegetal* reaffirmed the 1993 federal Religious Freedom Restoration Act (RFRA), which bars the federal government from "substantially" burdening the free exercise of religion, unless it can prove a "compelling" interest in doing so.

In 1999, an American branch of O Centro Espírita Beneficente União do Vegetal sued the government for seizing shipments of the tea. Group members argued that the government had violated their religious liberty rights under RFRA.

In 2002, a U.S. district court agreed with the church, holding that the government did not prove that religious use of the tea is dangerous and that it had no "compelling interest" in barring its religious use.

In 2003 and 2004, the 10th U.S. Circuit Court of Appeals upheld the district court's ruling. But the Bush administration asked the Supreme Court to overturn those rulings.

In today's ruling, the high court agreed with the lower courts, saying that the religious group "effectively demonstrated that its sincere exercise of religion was substantially burdened," and the government failed to demonstrate that the application of the burden to the religious group "would, more likely than not, be justified by the asserted compelling interests."

The high court opinion, authored by Chief Justice John Roberts, noted that for many years federal drug laws have provided an exemption for use of peyote by the Native American Church.

Roberts acknowledged a difficult task for courts in determining when RFRA should trump other federal laws.

"But Congress has determined that courts should strike sensible balances, pursuant to a compelling interest test that requires the Government to address the particular practice at issue," Roberts wrote.

Americans United is a religious liberty watchdog group based in Washington, D.C. Founded in 1947, the organization educates Americans about the importance of church-state separation in safeguarding religious freedom.