

laws and can provide an exemption to their regulations.

a. In **City of Boerne v. Flores**, 138 L.Ed2d 624, this Court wrote that because RFRA as written **applies to all laws without exception** and mandates tests which most laws will fail, that RFRA exceeds the power of Congress to dictate to a State under the Fourteenth Amendment to the federal Constitution. Therefore this Court has already decided that RFRA applies to the drug laws.

b. In addition, in **City of Indianapolis vs. Edmonds**, 121 S.Ct. 447 (**Indianapolis** hereafter) this Court ruled that the drug laws are ordinary criminal statutes that bear enforcement on their face no more than any other criminal statute.

In doing so, this Court distinguished the drug laws from criminal statutes that manifest a direct connection to immediate threats to public health and safety such as drunk driving laws, laws providing for vehicle inspections, vehicle and driver licensing, and inspections of vehicles for the presence of illegal immigrants at fixed Border Patrol check points. As this Court states, all those laws are enacted to deal directly with palpable threats to public health and safety that prove compelling interest on their face.

In **Indianapolis** this Court ruled that warrantless stops for drunk driver inspection are allowed, but **not for violations of the drug laws**. This Court ruled that the drug laws do not prove the fact that their enforcement is required without exception. Drunk driving laws do prove that they must be enforced without exception.

This Court stated in **Indianapolis**:

"For example, we have upheld certain regimes of suspicionless searches where the program was designed to serve "special needs" beyond the normal needs of law enforcement." at page 451

"We have also upheld brief, suspicionless seizures of motorists at a fixed Border Patrol checkpoints designed to intercept illegal aliens, . . . and at a sobriety