

checkpoint aimed at removing drunk drivers from the road. . . we suggested that a similar type of roadblock with the purpose of verifying drivers' licenses and vehicle registrations would be permissible. In none of those cases, however, did we indicate approval of a checkpoint program whose primary purpose was to detect evidence of ordinary criminal wrongdoing." at page 452

"There is no doubt that **traffic in illegal narcotics** creates social harms of the first magnitude. . . The law enforcement problems that the drug trade creates likewise remain daunting and complex, particularly in light of the myriad forms of spinnoff crime that it spawns." at page 454

"But the gravity of the threat alone cannot be dispositive of questions concerning what means law enforcement officer may employ to pursue a given purpose. . . Only with respect to a smaller class of offenses, however, is society confronted with the type of immediate, vehicle-bound threat to life and limb that the sobriety checkpoint in *Sitz* was designed to eliminate." at page 455

d. Amicus would like to draw the attention of this Court to the fact that

Amicus agrees with the government that "traffic in illegal narcotics creates social problems of the first magnitude." Begging the question of whether or not marijuana or peyote are narcotics, Amicus points out that it is the **illegal trade** and the "**myriad forms of spinnoff crime**" that are the problem. Toxic drugs like alcohol, tobacco and pharmaceutical chemicals are regulated and sold in commerce. Those legal commercial transactions do not in and of themselves cause threats to public health and safety. It is **illegal trade** itself, regardless of the drug sold, that causes problems.

Amicus points out that the statutory rights to unencumbered religious exercise that Congress has provided for in RFRA are certainly no less significant than the implied right of privacy and the Constitutional right to particularized suspicion and warrant for search and seizure that this Court has protected in **Indianapolis**

Amicus would draw the attention of the Court to the fact that Congress enacted RFRA specifically to provide case-by-case exemptions to the terms of the drug laws knowing full well the problems with the illegal drug trade. Certainly the record of the