

establishment or exercise must be justified by factual proofs that the act of the person is a substantial and demonstrable threat to public health and safety.

m. The DEA Administrative Law Judge made the decision about the toxicity and danger of use of Marijuana; reported in DEA Docket Number 86-22, on page 57-58:

"5. Estimates suggest that from twenty million to fifty million Americans routinely, albeit illegally, smoke marijuana without the benefit of direct medical supervision. Yet, despite this long history of use and the extraordinarily high numbers of social smokers, there are simply no credible medical reports to suggest that consuming marijuana has caused a single death."

"6. By contrast aspirin, a commonly used, over the counter medicine, causes hundreds of deaths each year."

"8. A smoker would theoretically have to consume nearly 1,500 pounds of marijuana within about fifteen minutes to induce a lethal response."

"9. In practical terms, marijuana cannot induce a lethal response as a result of drug related toxicity."

"15. In strict medical terms, marijuana is far safer than many foods we commonly consume. For example, eating ten raw potatoes can result in a toxic response. By comparison, it is physically impossible to eat enough marijuana to induce death. . . "

n. Examination of **Brown** and the other cited cases shows that the courts never examined the DEA Marijuana Rescheduling Petition. Those courts simply accepted the governments position that the words of the preamble to the federal drug law are the final determination of the issues of compelling interest and least restrictive means of regulation - as a matter of law.

o. Under RFRA, under **Strict Scrutiny**, no court can simply accept a congressional determination enunciated in a preamble to the law, that a law is enacted to protect public health and safety because:

1) Congress says in RFRA that it intends to amend all federal laws,