> marijuana charges, the Eighth Circuit states 'that the government has a compelling state interest in controlling the use of marijuana.' **United States v. Brown**, 72 F.3d 134 (8th Circuit 1995)(table)."

And on page 1254:

> "As support for this observation, the **Brown** court cited a number of First Amendment opinions which had emphasized problems associated with marijuana in particular. See **United States vs. Greene**, 892 F.2d 453, 456-57 (6th Circuit 1989). . .; **United States vs. Middleton**, 690 F.2d 820, 825 (11th Circuit 1982), quoting **Leary v. United States**, 383 F.2d 851, 860-61 (5th Circuit 1967)."

In fact, RFRA requires the production of evidence and argument to prove any threat to public health and safety as those issues were proven in the **Sherbert** and **Yoder** cases. The legal standard employed is a Strict Scrutiny examination for Compelling Interest regulated in the Least Restrictive Means.

In fact of law and the records of the court proceedings, not one of these cases cited by the **O Centro** court, not **Brown**, not **Greene**, not **Middleton,** not **Rush** or **Leary**, not one of these cases applied the **Sherbert** and **Yoder** tests to the religious use of marijuana.

This is evident from the actual words of the court decisions.

a. United States v. Brown, 72 F.3d 134 (9th Circuit 1995)(table).

At page 2 of the unpublished **Brown** the appellate court rules:

> "The court concluded, however, that the **law clearly established** that the government had a compelling interest in regulating marijuana and other drugs, and that the government had tailored that interest as narrowly as it could to prevent the kinds of dangers Congress believed existed. Thus, the district court concluded, **as a matter of law**, that RFRA was not available to Brown as a defense. The court granted the government's motion in limine, and **barred admission at trial of all evidence** covered in the government's motion."

At page 4 of the **Brown** decision the appellate court rules:

> "We have recognized that the government has a compelling state interest in controlling the use of marijuana. See **United States v. Fogarty**, 692 F.2d 542,