

- 2) RFRA requires that the government justify the law whenever it is applied to the defendant who is substantially burdened by the law in sincere religious exercise;
- 3) RFRA provides that specific application of the laws to the particular person must be justified;
- 4) In RFRA, Congress decided to provide for the **Sherbert** and **Yoder** fact tests at trial for a palpable threat to public health and safety sufficient to substantiate a compelling interest on the part of government to regulate the drug use.
- 5) Under RFRA, as with any federal statute, it is the courts obligation to follow the words of Congress wherever the act of Congress is within the power of Congress to act.

13. Amicus supports the interpretation of RFRA applied to the O Centro Espirita church made by the lower courts in **Gonzalez**. That application of RFRA clearly follows the words of Congress written in RFRA, and follows those words of Congress as they are interpreted in the **published** decisions of the federal courts that interpret RFRA.

14. Amicus notes that Rule 10 of the Supreme Court rules states in part that the jurisdiction of this Court should be exercised when:

"(a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on some important matter; . . . or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for the exercise of this Court's supervisory power; "

"(c) a . . . United States court of appeals had decided an important question of federal law that has not been, but should be settled by this Court, or has decided an important federal question that conflicts with relevant decisions of this Court."