

rulings are directly opposed to each other on the fundamental issue of whether or not the government is required to demonstrate that enforcement of the law is in response to a threat to public health and safety of sufficient dimension as to substantiate a compelling interest on the part of government that has been further regulated in the least restrictive manner. After the government demonstration, then the plaintiff/defendant must be allowed to enter evidence for factual consideration that the government's proofs are not true or substantial. The fact that the **Brown** and **O Centro** decisions are opposed to each other on this issue is an example of a United States court of appeals having decided an important question of federal law that has not been, but should be settled by this Court.

As set forth in detail above, this Court has ruled in **Boerne** and in **Indianapolis**, that RFRA applies to all federal laws and that the drug laws are ordinary criminal statutes which do not substantiate a threat to public health and safety of sufficient dimension as to substantiate a compelling interest on their face. Since the **Leary**, **Greene**, **Middleton**, **Rush** and **Brown** decisions are all made in direct contradiction to this Courts ruling in **Boerne** and **Indianapolis**, this is an example of a case where the appellate court have decided an important federal question that conflicts with relevant decisions of this Court.

In light of Rule 10 and as set out in detail above, this Court should:

- a. Find that the **Brown** decision, and any citations that rule that the **Sherbert** and **Yoder** tests are not applied to religious use of marijuana, have defined RFRA in contradiction to the plain meaning of the words of Congress in the enactment of RFRA,
- b. That RFRA by the plain meaning of the words used by Congress, requires the government to prove the facts of any threat to public health and safety caused by the particular individual or organization at bar as those proofs were made in the **Sherbert**