

E.C. Danuel D. Quaintance

From: "Rev. Tom Brown" <revtombrown@hotmail.com>
To: <courtneykng@yahoo.com>
Sent: Saturday, March 18, 2006 10:49 AM
Subject: NORML mocks THC Ministries

Original Message-----

From: Keith Stroup [<mailto:keith@norml.org>]
Sent: Thursday, March 09, 2006 4:28 PM
To: mdsenger@earthlink.net
Cc: Karen Malorvh
Subject: Your suit

Mike:

We certainly oppose treating marijuana smokers as criminals, whether they use marijuana for pleasure, as a medicine, or as a sacrament in their religion.

However, NORML has never endorsed the position that marijuana is a sacrament, and therefore we would probably not want to get directly involved with your litigation. Nonetheless, I am curious why you say this will be an important landmark case. Iâ€™m sure you know that the courts in this country have uniformly refused to provide religious protection to any of the domestic marijuana-centered churches that have raised the religious defense. Why do you expect they will deal with your challenge any differently?

Regards,

Keith Stroup, Esq.
Of Counsel, NORML
keith@norml.org
www.norml.org

On Friday, March 17, 2006 11:57 AM, Rev. Tom Brown responded:

Greetings,

What the FUCK! On February 21, 2006 the US Supreme Court rules that the drug laws are subject to exception for religious use of drugs and you people say what?

One Love revtombrown

On Friday, March 17, 2006 12:22 PM, Karen Malorvh replied:

Hi Rev. Tom,

Thanks for the kind words. As you can see from reading the case of the Brazil church, the justices agreed that the church could show a history of marijuana use as sacrament, and that the church itself has existed in Brazil for a long time. In previous cases justices have specifically pointed out that marijuana is used by too many people in this country " only a very, very small percentage doing so as a sacrament " and that the courts could reasonably support the religious use of marijuana. They specifically noted that the Brazilian church has few members in the US, so in allowing there religious use of their drug, the justices did not have to fear the drug would enter the black market.

I understand you are upset, but Keith was simply saying " as a lawyer " a marijuana religious defense case has been repeatedly shot down by the courts, and has very little chance of succeeding. Sad, but true. With over 750,000 people arrested last year, we feel there are other areas of the debate where our time would be better spent.

Regards,

Karen Malovrh
NORML Chapter/Outreach
Coordinator

karen@norml.org
www.norml.org
202-483-5500

On Friday, March 17, 2006 1:09 PM, Rev. Tom Brown responded:

Greetings and thanks for the response. However, there are some clear errors in your mail, so please allow me the chance to respond.

You said "justices agreed that the church could show a history of marijuana use as sacrament, and that the church itself has existed in Brazil for a long time."

First of all, UDV was founded in 1961 - it has not existed for a "long time" and even if it had existed for a long time, that would not be a relevant factor unless the "religious exercise" in question had also existed for a long time. In that case we could draw a line from the longevity of the exercise with no evidence of "harm to public helath and safety" caused.

Is it the NORML position that a religious exercise that is not a "long time" is not valid? Gee, was Jesus valid - he only got to exercise his religion for 3 years before the church mafia got him crucified and his religious exercise was totally unprecedented.

Karen, you are part of an organization that is on the record from 1994 of shortchanging and sabotaging the religious defense to marijauna charges. This is a matter of documented history, so there is no use trying to deny it now. NORML members that are of good conscience have the chance on 4/20 to commit to the defense against marijuana prohibition - or not. This will be a change for NORML - but that does not mean that it won't happen.

You say: "In previous cases justices have specifically pointed out that marijuana is used by too many people in this country " only a very, very small percentage doing so as a sacrament " and that the courts could reasonably support the religious use of marijuana.

As a NORML rep, you should be specific as to the particular cases where that ruling was made. You can't? Oh, well may be you are mistaken.

In fact, speculation (dicta not a ruling) has been made in response to religious exercise claims - that so much marijuana is used that it would be an impossible task to regulate it. You mean you actually think that is a rational statement?

Lets see, does government regulate alcohol, well yes and lets see, about 70-80 percent of Americans use alcohol right? And lets see, does government regulate tobacco? Well yes, and lets see, aren't there more tobacco users then pot users in this country? Too many users to regulate pot? Is that what you said?

Well, in law, if a person known as judge makes an irrational statment, then we continue to object, sister, we dont yellow belly give up, now do we. (see **Sherbert** and **Yoder** cited in RFRA)

In fact, there are no cases of religious use of any drug - prior to **Bauer, Gurrero**, and **UDV** all under RFRA - where the court allowed the defendent to question the laws basis in compelling interest. In fact sister, if you read Smith you would see that the basis of Smith is that society cannot survive allowing exceptions to the drug laws. If you had read RFRA you would know that Congress did not agree.

No sister, there are no **Sherbert** and **Yoder** cases of religious use of drugs except for **Bauer, Gurrero** and **UDV** under RFRA. And in fact, the **Gurrero** case was decided under a **Leary** interpretation where the drug laws were assumed to prove the fact - even though it was admitted that the government could not rely on that in light of **Bauer**. Whoever told you otherwise is a liar.

You mean you haven't read all those cases and you don't know what I am talking about? Well that's NORML I guess.

In fact, the compelling interest tests start with the actual religious exercise that is in question. Possesion of marijuana for instance - how does the government prove that possession of that particular marijuana caused a threat to public health and safety. Under UDV they can no longer assume the fact of compelling interest merely from the fact of the preamble of the drug law. The government must make a factual proof that the actual physical possession of the marijuana caused an actual physical injury to someone other then the person possesing the marijuana.

OK gal, how do they prove it by evidence and testimony?

Now, whatever your answer to that question, your attorney will file motions for production of documents from the DEA, which is authorized under RFRA, and will specifically call for the production of the scheduling and rescheduling decisions of marijuana and THC as Marinol. Those documents prove that marijuana has not caused an injury or death in 5000 years of recorded history. Those documents admit and prove

that the carrying, growing, sales, transportation, etc. of marijuana cannot as a matter of scientifically proven biochemistry, cause an injury. Your attorney will then introduce those documents into open court with an agency witness to testify to the facts of the documents. That is going to cost the government a lot of money - which will help you the way your being cost a bunch of money by being busted helps the government prosecute you. You see how our system is so balanced - if we use it?

Dear, please explain to me how I cause a threat to public health and safety by possessing an herb that is totally non-toxic?

Of course, if we follow Keith Stroup and never introduce that evidence, well then the court cannot consider it and we can continue to make lots of money busting and defending marijuana law offenders right??? Isn't that what NORML is in the business of and if we get marijuana legal then NORML is like not needed?

I can tell that whoever is feeding you info on the RFRA, UDV, and its impact hasn't read the actual court records of that case. I have, there are all on my bookshelf, bound in volumes from the first complaint in 2000 till today. You might get a copy yourself so that you can see how silly your response is in light of the actual facts of the case.

One Love revtombrown

PS see ya in San Fran on 4/20 - You will know me by the large stacks of copies of Keiths e-mail and commentary for the NORML convention attendee's.

On Friday, March 17, 2006 2:38 PM, Karen replied:

Hello again,

My bad for trying to explain this quickly, dear.

On second thought, I'm not going to waste my time going through the history with you. I have read the cases' but I see you read what fits your opinion. Good for you.

By the way, what make-belief church do you belong to **THC Ministries**?

In regards to your post-script the NORML conference is a private event. If you decide to make any sort of disturbances, we'll be happy to have you escorted out.

See you in San Fran Hater!

Karen