

**EXHIBIT L**

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## Religious use of pot is upheld

### □ Federal appeals court ruling favors Rastafari believers

SAN FRANCISCO – Citing the 1993 Religious Freedom Restoration Act, a federal appeals court has ruled that Rastafarians can use their religious use of marijuana as a defense against possession charges.

The RFRA, as the law is known, was passed in response to a 1990 Supreme Court ruling that allowed a peyote prosecution despite a claim that using the drug was central to a Native American Religion.

The law requires the government to prove a compelling justification for any prosecution that substantially burdens the defendant's exercise of religion.

Rastafarianism, which originated in Jamaica, considers marijuana to be a religious sacrament that brings believers closer to divinity and enhances their spiritual unity.

On Friday, the 9<sup>th</sup> U.S. Circuit Court of Appeals cited the RFRA in overturning three marijuana-possession convictions in Montana because the judge had barred evidence of the defendants' religious views.

The court, however, upheld the convictions and prison sentences of seven defendants on drug trafficking and related charges.

The possession charges were a small part of a case against members of an organization accused of conspiring to import thousands of pounds of marijuana from Mexico to Billings, Montana for a decade. The alleged leader, Cameron Best, convicted of operation of continuing criminal enterprise, was sentenced to 35 years in prison in 1994, a sentence left intact by the court.

Legally, however, the ruling was significant for its overturning of a drug conviction based on the 1993 law, which strengthened defenses – against criminal prosecutions that interfere with religious practices.

The court did not cite any previous appellate decision that had used the RFRA to reverse a drug conviction, and a lawyer, who has been a longtime advocate of liberalizing drug laws said he was unaware of any such ruling.

"This is a legitimate religious issue for Rastafarians," said attorney Kevin Zeese, leader of a Washington, D.C.-based organization called Common Sense for Drug Policy. "They can't reach an appropriate religious state without ganja (marijuana). It's like taking the wine out of the Catholic church.

"It's a foreign concept to many people in the United States, but it's a legitimate religious need, and I'm glad to see the 9<sup>th</sup> Circuit finding a way to recognize it."

Assistant U.S. Attorney James Seykora declined to comment on the ruling.

The law was signed by President Clinton during the Montana trial in November 1993 and was cited by three defendants – Calvin Treiber, Dawn Meeks and Lexi Rauer – in seeking dismissal of marijuana-possession charges.

U.S. District Judge Jack Shanstrom found that the law against marijuana substantially burdened the Rastafarian religion but barred evidence of the defendants' religious purposes and upheld the convictions. He cited earlier rulings that said the government has an overriding interest in regulating marijuana.

But the appeals court said RFRA requires the prosecution to show that the government has a compelling interest not only in regulating marijuana, but also in prosecuting these particular defendants for possession of the drug. Since no such proof was offered, and the evidence of religious practice was barred, the convictions must be reversed, the court said.

The court said the three defendants could be retried and required to show that they are Rastafarians who possessed the drug for religious purposes. Because the reversals do not affect the defendants' sentences, a retrial is unlikely, but the ruling could be used in future drug cases in the nine Western states covered by the court, including Hawaii.

The religious defense does not apply to the more serious drug charges such as conspiracy to distribute, said the opinion by Judge John Noonan. "Nothing before us suggests that Rastafarianism would require this conduct," he said.