

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

UNITED STATES OF AMERICA :

v. :

CRIMINAL NO. 80-10025 B

CLIFTON RAY MIDDLETON, :  
ET AL. :

ORDER UPON GOVERNMENT'S MOTION TO LIMIT DEFENDANTS' PROOF AT TRIAL

Hearing having been had this date upon the government's motion to limit defendants' proof at trial, filed October 12, 1982, and the government having been represented by William H. Browder, Jr., Assistant United States Attorney; and defendants having been represented by James R. Cook, Esq., Des Moines, Iowa; and the Court having considered the written arguments of counsel (consisting of the government's Memorandum of Law in Opposition to Defendants' First Amendment Defense, originally filed June 2, 1981, the government's Memorandum of Law in Opposition to Motion to Dismiss Indictment, filed December 12, 1980; defendants' Memoranda and Proffer, filed March 9, 1981; and defendants' Law Memorandum, filed April 22, 1981); and the Court also having considered the oral arguments of counsel; for the reasons stated by the Court on the record at said hearing, it is

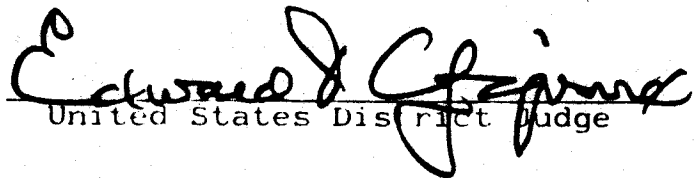
ORDERED as follows:

(1) The government having conceded for purposes of the instant motion and the trial: 1) that the Ethiopian Zion Coptic Church is a religion embracing beliefs which are protected by the First Amendment; 2) that the use of marijuana is an integral part of the religious practice of the Church; and 3) that the 23 defendants named in the instant indictment are members of the Church and sincerely embrace the beliefs of the Church, defendants will be precluded from introducing at trial any evidence relative to the Church, its history and the use of marijuana by its members, insofar as such evidence is directed to establishing the facts which the government has conceded;

(2) Defendants' counsel having advised of their intention to offer at trial evidence that defendants possessed approximately 25 tons of marijuana intending to distribute said marijuana solely to members of the Church, counsel for the government and defendants shall file and exchange by Monday, November 8, 1982, supplementary memoranda directed to the question of whether the government has a compelling interest in making unlawful the possession of marijuana with intent to distribute, which is adequate to override defendants' First Amendment right to practice their religion.

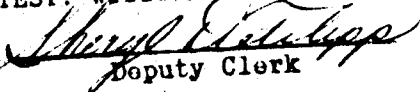
(3) Defendants' counsel shall file and exchange by Monday, November 8, 1982, a detailed offer of proof of the evidence they intend to present in support of their First Amendment defense.

Dated this 25th day of October 1982.

  
United States District Judge

A TRUE COPY.

ATTEST: William S. Brownell, Clerk

By   
Deputy Clerk