

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARVIN WASHINGTON; DEAN :

BORTELL as Parent/Guardian for Infant :

ALEXIS BORTELL, JOSE BELEN, :

SEBASTIEN COTTE as Parent/Guardian :

for Infant JAGGER COTTE, and :

CANNABIS CULTURAL ASSOCIATION, :

INC., :

:

Plaintiffs, :

:

- against - :

:

JEFFERSON BEAUREGARD SESSIONS, :

III, in his official capacity as United States :

Attorney General; UNITED STATES :

DEPARTMENT OF JUSTICE; CHARLES :

“CHUCK” ROSENBERG, in his official :

capacity as the Acting Director of the Drug :

Enforcement Agency; UNITED STATES :

DRUG ENFORCEMENT AGENCY; and :

the UNITED STATES OF AMERICA, :

:

Defendants. :

:

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AFFIDAVIT OF ROGER STONE

17 Civ. 5625

State of New York)
:..ss:
County of New York)

ROGER STONE, having been duly sworn, deposes and says:

1. I am a former member of the Richard Nixon Presidential Administration. I submit this Affidavit in connection with plaintiffs’ Order to Show Cause for a Temporary Restraining Order and Preliminary Injunction. As explained below, I have personal knowledge of the rationales and motivations underlying enactment, administration and enforcement of the Controlled Substances Act (“CSA”) by the Nixon Administration.

My Background

2. I am, and for more than 40 years have been, a political consultant and operative,

working predominantly with Republican candidates and officials. I began my political career at age 12, working for Barry Goldwater's 1964 Presidential Campaign. Thereafter, while attending George Washington University, I accepted a position with the Committee to Re-Elect President Nixon ("CRP"). My work for CRP provided me with close access to Nixon Administration officials and associates, with whom I interacted regularly.

3. After Richard Nixon was re-elected as President in 1972, I was offered and took a position with his Administration's Office of Economic Opportunity, where I continued to work closely with Nixon Administration officials and associates in the creation and administration of policy.

4. In addition to my tenure with the Nixon Administration, I also worked with and/or for other public officials, candidates and campaigns over the years, including, among others: President Ronald Reagan; Senator and Republican Presidential Candidate Robert Dole; Governor Thomas Keane (New Jersey); Congressman Jack Kemp (New York); Senator Arlen Specter (Pennsylvania); and President Donald J. Trump.

5. I have authored five books: The Man Who Killed Kennedy: The Case Against LBJ (Skyhorse Publishing 2013); Nixon Secrets: The Rise, Fall and Untold Truth About the President, Watergate, and the Pardon (Skyhorse Publishing 2014); The Clinton's War on Women (Skyhorse Publishing 2015); Jeb! and the Bush Crime Family (Skyhorse Publishing 2016); The Making of the President 2016: How Donald Trump Orchestrated a Revolution (Skyhorse Publishing 2017). I also regularly appear as a guest contributor on network and cable news and politically-focused television shows, including, among others, CNN, FoxNews, ABCNews, NBCNews, Meet the Press, Real Time with Bill Maher, and C-Span.

6. In short, I have devoted most of my professional life to politics and public policy, focusing my efforts in support of candidates, causes and policies affiliated with the Republican Party.

The Controlled Substances Act

7. Working with the Nixon Administration afforded me constant contact with Administration officials, both inside and outside the White House. One of the officials with whom I was in regular contact was Myles Ambrose, who, at the time, was involved in President Nixon's "War on Drugs" and eventually became the first "Drug Czar" (Exhibit 23, N.Y. Times Article). I remember that, in the winter of 1971, I met Mr. Ambrose at "The Exchange," then a popular hangout for politicians in Washington, DC. Over drinks, Mr. Ambrose and I began to discuss the President's agenda. Not surprisingly, he spoke most favorably of the President's plan to "win" the War on Drugs. In particular, Mr. Ambrose said to me: "We gotta do this drug stuff. We gotta get rid of the 'niggers.'" He proceeded to explain that those associated with the President associated African Americans and hippies protesting the Vietnam War with marijuana, which the President and Mr. Ambrose believed was the drug of choice for these two groups. I remember this conversation well, because it shocked and offended me.

8. I came to learn, and, as is known to history, those associated with the President felt that war protestors and those with whom they associated were a threat to the Nation in its fight against communism. He also had mixed emotions toward African Americans, whom he may have associated with the anti-war left. No legislation could be focused directly at these two groups, as the Administration recognized that such would draw objections based upon, among other things, constitutional grounds. The alternative strategy developed by the Administration was to use the War on Drugs -- and, in particular, the efforts to criminalize and prosecute possession and use of cannabis

-- to marginalize war protestors and African Americans and “get them off the streets.” To convert these viewpoints into policy, the President, members of his Administration, and those whom he entrusted to liaise with Congress dedicated themselves to enacting and administering a legislative agenda directed toward prosecuting, in particular, war protestors and African Americans for use of cannabis.

9. The Administration’s efforts were successful in enacting the CSA in 1970. Thereafter, the President named Mr. Ambrose to lead the White House Office of Drug-Abuse Law Enforcement -- a precursor to the Drug Enforcement Agency, which then led the Administration’s War on Drugs.¹

10. Again, all of these efforts, as they pertained to criminalizing cannabis, were directed toward suppressing the rights of African Americans and protestors of the Vietnam War, whom the President believed were threatening to undermine America’s sense of collective purpose in the Cold War and the battle against communism. My recollection of these events and conversations is consistent with those of others from the Nixon Administration. For example, John Ehrlichman, who served as the Administration’s Domestic Policy Chief and was one of the President’s closest political advisors, confirmed that the enactment and enforcement of laws criminalizing cannabis were directed toward political suppression and racial discrimination. In this regard, Mr. Ehrlichman said:

You want to know what this was really all about? The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I’m saying? We knew we couldn’t make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after

¹Ironically, Mr. Ambrose, who was slated to become the first director of the DEA, resigned from the Administration before accepting the post.

night on the evening news. Did we know we were lying about the drugs? Of course we did.

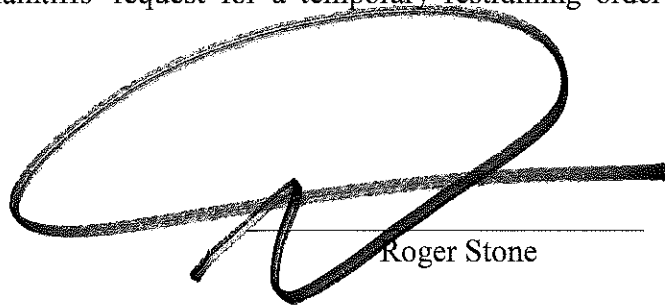
N.Y. Daily News, A. Edelman, *Nixon Aide: "War on Drugs" was tool to target "black people"* (March 23, 2016) (Exh. 4); *see also* Harper's Magazine, D. Baum, *Legalize it All: How to Win the War on Drugs* (April 2016) (Exh. 5) ("Nixon's invention of the war on drugs as a political tool was cynical ...").

11. If incarceration of the antiwar left and African Americans constitutes the measure of the War on Drugs' success, the Administration's efforts must be characterized as "successful." According to the *New York Daily News*, "by 1973, about 300,000 people were arrested under the law – the majority of whom were African American" (Exh. 4).

12. The Administration's anti-cannabis policies thus were manifested in two distinct, but related, efforts – to usher the CSA through Congress and then to use the law as a tool to incarcerate, harass and undermine those whom the President considered hostile to American interests.

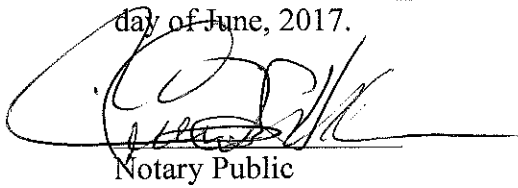
13. While there also may well have been those who genuinely believed that marijuana was a dangerous drug on par with heroin, the individuals responsible for making and administering America's drug policy were, in my experience, not among them. The driving force behind the CSA and its administration was to suppress and discriminate. It represents a regrettable and unfortunate period in American history which, I trust, contemporary society will, at some point, endeavor to correct – perhaps now.

For these reasons, I join the plaintiffs' request for a temporary restraining order and preliminary injunction.



Roger Stone

Sworn before me this 16th
day of June, 2017.



Notary Public

MICHAEL S. HILLER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02HI6328111
Qualified in Kings County
Commission Expires July 27, 2020