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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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DECLARATION OF KEITH STROUP

17 Civ. 5625

KEITH STROUP, an attorney admitted to the practice of law before the Courts of the District of Columbia, pursuant to 28 U.S.C. §1746, declares under penalty of perjury that the following is true and correct:

1. I am the Founder, Legal Counsel, and former Executive Director of the National Organization for the Reform of Marijuana Laws (NORML). I submit this Declaration in support

of the application by plaintiff Dean Bortell, as Parent/Guardian for Infant Alexis Bortell, and Alexis Bortell, for an injunction, temporarily barring enforcement of the Controlled Substances Act ("CSA"), as it pertains to Alexis's treatment with medical cannabis, so that they can attend NORML's Lobby Days in Washington, D.C., on September 9-12, 2017.

My Background

2. I graduated from the University of Illinois in 1965, after which I enrolled in Georgetown Law School. During law school, I worked in the office of Illinois Senator Everett Dirksen, and upon graduation in 1968, I worked for the National Commission on Product Safety. While there, I met Ralph Nader, a prominent public-interest attorney, and politician, who has dedicated his extensive career (including several runs for the U.S. Presidency), to consumer advocacy and addressing abuse of corporate power. Mr. Nader's work inspired me to establish a consumer advocacy group focused on ending marijuana prohibition. In 1970, I founded NORML and served as its Executive Director until 1979. During that time, 11 states decriminalized the personal use of marijuana by adults.

3. Over the next 17 years, I worked as a lobbyist and as the Executive Director for the National Association of Criminal Defense Lawyers, before being invited to return to NORML in 1994, first, as a member of the Board of Directors, and in 1995, again as its Executive Director. For the next 10 years, I was the primary spokesperson for marijuana law reform in the United States. I stepped down from my Executive Director position in 2005, making room for new perspectives among a younger group of activists. I continue to support NORML and serve as its Legal Counsel. Today, NORML supports over 20 federal and nearly 100 state initiatives to reform existing marijuana laws.

NORML Lobby Days

4. From September 10-12, 2017, NORML will host its 2017 Conference and Congressional Lobby Day in Washington, D.C., bringing together from across the country, activists, patients, business owners, and consumers of cannabis. Together, we will seek to influence federal lawmakers to support and expand protections for those states committed to marijuana law reform; to remove federal obstacles to those state reforms; and to protect the progress we have made thus far, particularly in view of the recent comments made by Attorney General Jefferson Beauregard Sessions, condemning cannabis users (including medical marijuana patients), and states that have enacted various medical and recreational cannabis regulations. Traditionally, these events ensure that NORML's message is heard by those on Capitol Hill who would most benefit from hearing it.

5. Lobby Days bear particular significance now, inasmuch as the most comprehensive bill regarding cannabis legalization and regulation, the Marijuana Justice Act, is currently before Congress, along with several other bills each designed to protect, among other things, states' rights to regulate cannabis and patient access (including Veterans').¹ Accordingly, it is imperative that we ensure that Members of Congress hear our collective voice to remove marijuana from the

¹ Such initiatives include, *inter alia*: The 2017 Marijuana Justice Act (SB 1689) (Booker D-NJ); The Ending Marijuana Prohibition Act (HR 1227) (Thomas R-VA); Veterans Equal Access Amendment (Senate Appropriations Committee); The Marijuana Revenue and Regulation Act / Regulate Marijuana Like Alcohol (SB 776 and HB 1841 / HC 1823) (Wyden (D-OR) (Polis D-CO) (Blumenauer D-OR); Veterans Equal Access Act (HR 1820) (Blumenauer D-OR); The Cannabis Access, Research, Expansion, and Protect States (CARERS) Act (SB 1374 and HR 2920) (Cohen D-TN); The HR Compassionate Access Act (HR 715) (Morgan R-VA); States' Medical Marijuana Property Rights Protection Act (HR 331) (Lee D-CA); The Small Business Tax Equity Act of 2017 (S 777) (Wyden D-OR) (HR 1810) (Curbelo R-FL); Medical Marijuana Research Act of 2017 (HR 3391) (Harris R-MD); SAFE Act of 2017 (HR 2215) (Perlmutter D-CO); State Marijuana And Regulatory Tolerance Enforcement Act (HR 3534) (DelBene D-WA); Responsibly Addressing the Marijuana Policy Gap Act of 2017 (Blumenauer D-OR); and Industrial Hemp Farming Act of 2017 (HR 3530) (Komer R-KY).

federal Controlled Substances Act (the CSA) and to enact into law appropriate legislation to decriminalize cannabis.

6. In order to make NORML's Lobby Days a success, we need the strongest and most passionate advocates to be able to travel to Washington, DC, to tell their stories and convey to members of Congress that cannabis is neither harmful nor dangerous. One of those advocates is Alexis Bortell, an 11-year old girl who, I understand, relies upon medical cannabis as a life-saving medication. Alexis has written a book about medical cannabis, is a beloved and well-recognized spokeswoman on the topic, and operates two businesses on her family's farm, a portion of the proceeds of which support the poor, homeless, and medical refugees who have moved to Colorado from states that lack medical marijuana laws. She apparently suffers with Intractable Epilepsy which, without medical cannabis, causes her to suffer multiple life-threatening seizures every day. According to her public statements, since finding medical cannabis, she has been seizure free for nearly three (3) years.

7. Alexis constitutes precisely the type of advocate that would be most effective in-person. Her commitment to helping others is manifest. For those lawmakers who have spoken out against legalizing cannabis, or who embrace the failed War on Drugs, there will be no misunderstanding with respect to Alexis's intentions or motives in legalizing cannabis. She simply wants to live and be treated fairly.

8. Nonetheless, despite her obvious value to NORML's Lobby Days, unless enforcement of the CSA is enjoined with respect to Alexis, she cannot lawfully travel to Washington, D.C. to attend. She cannot cross state lines with her state-legal cannabis, nor fly on an airplane. While the District of Columbia has legalized medical marijuana use and decriminalized recreational cannabis use, those laws do not apply to federal land in the District,

where our lobbying will occur. And for Alexis, I understand that the consequences of being just minutes without her medication, such as while on the airplane or at Capitol Hill, could imperil her life.

9. The notion that the most persuasive advocates for cannabis – those who treat with medical marijuana themselves – cannot lobby for legalization of marijuana -- in-person -- is unfair at best, and absurd at worst. Considering the underlying motives for the CSA's enactment in the first instance, as outlined in the plaintiffs' Complaint, none of which properly bear upon public safety or medical efficacy, and rather, are rooted in racial animus and suppression of First Amendment rights, the equities must tip in the petitioners' favor on this application.

Accordingly, I encourage the Court to permit Alexis to join NORML for its Lobby Days,
and restrain enforcement of the CSA to enable her to do so.


Keith Stroup