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Working to Reform Marijuana Laws

**Statement of R. Keith Stroup, Esq.  
NORML Founder and Legal Counsel**

My name is Keith Stroup and I am a 64-year-old attorney from Washington, DC. I founded NORML in 1970 and served as executive director of the organization first during the 1970s and again from 1995 through 2004. I currently serve as NORML Legal Counsel.

I first smoked marijuana in 1965 when I was a first year law student at Georgetown Law School in Washington, DC, and I have been a regular smoker since that time. There is nothing wrong with the responsible use of marijuana by adults, and it should be of no interest to, nor concern of, the government.

In each of the past dozen or so years, I have come to Boston to speak at the city's annual Freedom Rally. The event, held on the Boston Common, is a citizen protest against the continued criminalization of marijuana smokers, sponsored by our Massachusetts state affiliate, MassCann/NORML.

On September 15, 2007, a couple of hours before High Times associate publisher Rick Cusick and I were scheduled to address the Freedom Rally, we were both arrested by a pair of undercover police who observed us sharing what they presumed was a marijuana cigarette behind the NORML/High Times booth. They charged us with possession of approximately one-third of a joint.

When the police approached and declared that we were under arrest, one commented that, "You two are old enough to know better!" These officers apparently were not aware that tens of millions of otherwise law-abiding Americans smoke marijuana regularly and responsibly, and many of us are senior citizens.

Mr. Cusick and I were booked at the temporary holding station set up on the Common, then released on our own recognizance and permitted to return to the Freedom Rally to make our speeches as scheduled.

But we should never have been arrested at all, as smoking marijuana should not be illegal. Therefore, as two of the estimated 8,900 adults arrested on marijuana-related charges in Massachusetts last year, 7,300 of whom were charged with personal use, Mr. Cusick and I have elected to challenge the law and its application to us.

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We have both have entered pleas of not guilty. In addition, through our attorneys — Professor Charles Nesson of Harvard Law School, Matthew Feinberg of Feinberg and Kamholtz, and Steven Epstein from Georgetown, Massachusetts — we have filed a motion challenging the constitutionality of the statute criminalizing responsible adult marijuana smokers, and will shortly be filing a second motion requesting the trial judge to inform the jury of their right to return a not-guilty verdict if, in their view, the defendants' actions did not amount to criminal conduct. This long-held traditional power of a jury — to refuse to convict if its members believe that such a conviction would create an injustice — is fundamental to the jury's role as the bulwark of American individual liberty.

Mr. Cusick and I did not wish to get arrested, nor did we intend to create a confrontation; we were simply trying to make a political statement at Boston's annual anti-prohibition rally. Now that the state has chosen to treat us as criminals, however, we feel obliged to challenge these laws that result in more than 800,000 marijuana arrests each year in this country. It is time we stopped arresting responsible marijuana smokers in Massachusetts and everywhere else in our nation.

If the legislatures in Massachusetts and other states continue to turn a deaf ear to the calls for decriminalizing responsible marijuana smoking, then it is time for the courts to declare these laws unconstitutional as an unwarranted intrusion into the right to privacy Constitutionally guaranteed to every American.

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