

## Hawaii Legislature Passes Medical Marijuana Bill

The Hawaii State Senate approved a bill on April 25th that protects seriously ill patients who use marijuana medically from local and state criminal prosecution. Governor Ben Cayetano (D) signed the bill on June 14th.

“We are pleased that the legislature has taken the final step to end the war on marijuana-using patients,” said Dr. Donald Topping, President of the Drug Policy Forum of Hawaii. “Following on the heels of an unbroken string of state ballot initiative victories on this issue, this is the first time that a state legislature has passed a law to make marijuana available.”

Senate Bill 862 passed through the Senate with a 15-10 vote Tuesday. The Bill, which had been approved by the House earlier in April

with amendments, was initially approved by the Senate in March.

The legislation would allow for the medical use of marijuana with a doctor’s recommendation, for patients who suffer from such medical conditions as cancer, glaucoma, HIV/AIDS, a chronic or debilitating disease, wasting syndrome, severe pain, severe nausea, seizures, severe muscle spasms including multiple sclerosis, or any other medical condition approved by the department of health.



Hawaii Governor Ben Cayetano (D).

Patients and their primary caregivers will be required to register annually with the Hawaii Department of Public Safety. Registered patients are allowed to possess no more than three mature marijuana plants, four immature plants and one ounce of smokeable marijuana per each mature plant.

“The approval of medical use by the elected legislature in Hawaii is a very positive development,” said Keith Stroup, NORML Executive Director. “We’ve been winning this issue when we can present it directly to the voters, while elected officials have been less receptive. It appears they are finally listening to their constituents.”

## FCC Opens Investigation Into Drug Czar’s Payola Scandal

In response to a complaint filed by the NORML Foundation, the Federal Communications Commission (FCC) recently sent letters to the five major television networks seeking answers to a number of key questions about their relationship with the drug czar’s office. The complaint alleges that the Office of National Drug Control Policy’s practice of offering millions of additional advertising dollars if network programs have anti-drug messages embedded in their programming is in violation of the federal anti-payola statute.

In the inquiry, the FCC asked the networks if they have entered into verbal or written agreements with the ONDCP regarding payment for airing anti-drug messages; which television programs were involved and to what extent; which stations aired the programs and at what times; and whether any ONDCP sponsorship identification aired in connection with the broadcast of the programs.

On April 18, the FCC sent letters to the networks and gave them 30 days to respond

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## MEDICAL MARIJUANA

### Health Canada is Accepting Bids for High Quality Marijuana Supplier

**O**n May 4th, the Canadian government took another step towards beginning clinical human medical marijuana trials by announcing the criteria for the potential Canadian marijuana supplier for the five-year study.

Health Canada, Canada's health care bureaucracy, approved the distribution of nearly one million marijuana cigarettes to ailing patients and researchers throughout the course of the study. The study will determine whether it is safe and effective for patients to smoke marijuana for medicinal purposes.

"Establishing a Canadian source of research-grade marijuana is an important step in putting our plan into action, and we will proceed expeditiously," said Health Minister Allan Rock.

The potential supplier, along with key personnel, must not have a police record for any drug offense since 1985, in any country.

According to Health Canada, the contractor will be responsible for: setting up and operating a marijuana growing, processing, fabrication and storage establishment; laboratory testing and quality control of marijuana

throughout the product life cycle; fabrication, packaging, labelling and storage of marijuana products and bulk material; distribution of marijuana product to recipients authorized by Health Canada; and conformity with the requirements of the Controlled Drugs and Substances Act, the Food and Drugs Act and their regulations, including the stringent security aspects required of such a facility and its operations.

It is anticipated that the trials will begin within a year of the contract date.

"It's becoming increasingly evident that the U.S. and Canada are going in opposite directions regarding their marijuana policies," said Allen St. Pierre, NORML Foundation Executive Director. "Canada's elected representatives and bureaucrats are clearly not beholden to either law enforcement agencies or rabid anti-drug groups — unlike, sadly, in America. The American anti-drug bureaucrats seek to kill by attrition the federal program that distributes legal marijuana cigarettes to a lowly eight patients, whereas the Canadian government is trying to rapidly expand its medical marijuana distribution program."

### UK Drug Authority OKs Full Scale Patient Cannabis Trials

**B**ritain's Medicines Control Agency has given approval to GW Pharmaceuticals for human medical marijuana trials.

This study is the first full-scale patient trials of therapeutic cannabis products and will involve 2,000 patients. Patients suffering from multiple sclerosis, spinal cord injury, severe pain and spasticity will be involved in the trials.

"Our aim is to test some of the claims which have been made for the medicinal quali-

ties of cannabis in a structured clinical research program," said Dr. Willy Notcutt who leads this first trial. "This is an exciting moment, and we hope very much that our findings will lead to significant improvements in the pain relief available for sufferers of multiple sclerosis and other debilitating conditions."

Prime Minister Tony Blair has agreed to allow patients to use marijuana medically only

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# New Study Ranks States by Marijuana Arrest Rates

## Alaska Has Highest Rate, Pennsylvania the Lowest

The following analysis of state marijuana arrest rates is excerpted from a more comprehensive report and analysis prepared for the NORML Foundation by Jon Gettman, Ph.D., a public policy analyst and former National Director of NORML. The full report is available on the NORML web site ([www.norml.org](http://www.norml.org)). Based on county marijuana arrest figures from 1995-97, Dr. Gettman has calculated the arrest quotients (an indicator comparing local marijuana arrests to national marijuana arrests in proportion to all arrests); arrest rate per 100,000 population; and rate of change in arrest rates between 1995-97. This report provides marijuana arrest data for 48 states; data was not available for Kansas, Vermont and the District of Columbia. Data is provided for 2,951 of the nation's 3,140 counties, accounting for 95.5% of total estimated marijuana arrests for the year.

**BY JON GETTMAN, PH.D.**

Marijuana arrests in the United States increased 109% from 1990 to 1998, according to the Uniform Crime Report (UCR) data compiled and released by the Federal Bureau of Investigations (FBI). In 1990, the National Household Survey (NHS) estimated that 18.9

million people used marijuana in the U.S. on an annual basis. Despite some variance throughout the decade this estimate has remained somewhat consistent, and in 1998 the estimate of annual marijuana users was 18.7 million. Arrests have increased dramatically because law enforcement agencies have ac-

tively sought to increase marijuana arrests.

In 1997, Alaska, had the highest arrest rate per 100,000 with 417.71 people out of 100,000. Rounding out the top five highest marijuana arrest rate states per 100,000 were New York (404.59), Nebraska (384.25), Mississippi (379.46) and South Carolina (379.44). With the exception of South Carolina, the other four states have all adopted some form of marijuana decriminalization laws that were in effect at the time.

Arrest rates in 1997 per 100,000 were lowest in Pennsylvania with 125.57 per 100,000. North Dakota came in second with 131.05, followed by Hawaii with 134.37, New Hampshire with 158.99 and Florida 162.41.

New York law enforcement arrested the highest total number of people on marijuana charges with 73,380. The remaining top five were California with 58,068 arrests, Texas with 54,731 arrests, Illinois with 33,706 arrests and Georgia with 25,302 arrests.

The states with the lowest number of people arrested on marijuana charges were

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### MARIJUANA ARRESTS AND ARREST RATES FOR 1997

STATE	TOTAL	AQ	RATE	RANK	STATE	TOTAL	AQ	RATE	RANK
Alabama	9,928	0.91	229.87	27	Montana	1,576	1.16	179.29	43
Alaska	1,743	0.79	417.71	1	Nebraska	6,367	1.38	384.25	3
Arizona	16,293	1.09	357.69	6	Nevada	4,715	0.75	281.16	19
Arkansas	8,046	0.81	318.91	10	New Hampshire	1,865	0.66	158.99	45
California	58,068	0.77	179.96	42	New Jersey	22,981	1.20	285.37	15
Colorado	10,650	0.80	273.57	20	New Mexico	3,612	0.65	208.79	35
Connecticut	8,262	0.98	252.66	25	New York	73,380	1.34	404.59	2
Delaware	1,376	0.80	187.98	38	North Carolina	23,008	0.93	309.87	12
Florida	23,800	0.98	162.41	44	North Dakota	840	0.58	131.05	47
Georgia	25,302	1.17	337.99	7	Ohio	24,535	0.85	219.34	32
Hawaii	1,595	0.49	134.37	46	Oklahoma	10,127	1.37	305.31	13
Idaho	2,854	0.82	235.87	26	Oregon	6,186	0.76	190.75	37
Illinois	33,706	3.07	283.34	17	Pennsylvania	15,093	0.67	125.57	48
Indiana	12,294	1.02	209.65	34	Rhode Island	2,223	1.16	225.23	30
Iowa	5,584	1.04	195.79	36	South Carolina	14,267	1.36	379.44	5
Kentucky	10,151	1.02	259.75	24	South Dakota	1,662	0.74	225.20	31
Louisiana	14,154	0.93	327.53	9	Tennessee	11,294	0.67	210.39	33
Maine	3,310	1.27	266.51	23	Texas	54,731	1.04	281.55	18
Maryland	16,020	1.13	314.49	11	Utah	6,805	1.07	330.50	8
Massachusetts	11,202	1.26	183.10	40	Virginia	17,966	0.94	266.80	22
Michigan	17,942	0.90	183.57	39	Washington	12,670	0.81	225.85	28
Minnesota	10,560	1.07	225.35	29	West Virginia	3,323	1.01	182.98	41
Mississippi	10,363	1.10	379.46	4					
Missouri	14,538	0.88	269.12	21					

\*Arrest data was not available for the District of Columbia, Kansas and Vermont

## House Committee Approves Amendments Affecting Student Loan Eligibility

**O**n May 25th, the House Committee on Education and the Workforce passed two amendments to provisions in the Higher Education Act (HEA) of 1998, the law that currently disallows federal financial aid packages to students convicted on drug charges. One is a slight improvement; the other makes sure the law will hurt the largest number of students.

In a minor victory for students, the committee approved an amendment to suspend financial aid to students only if they are convicted while receiving aid. The current law calls for the loss of aid for any conviction, regardless if the person was in college or not when the conviction occurred. A first time drug conviction, if the student is currently receiving aid, will still be met with a one year suspension of financial aid. A second conviction will result in two years with no financial aid and after a third conviction, the student will be ineligible to receive financial aid.

The second committee-approved amendment to the HEA is damaging. The amendment directs the Department of Education to treat students who fail to answer the drug question on their financial aid forms as ineligible until the question is answered. This year, the Department of Education instructed universities to presume the half million students who left this question blank on their financial aid forms have no drug convictions. The Department of Education has also told universities that they will not be independently verifying the honesty of the students who answered the question. About 3,000 students this year have affirmed on their financial aid forms that they have been convicted of a drug offense.

During the hearing, Rep. Bobby Scott (D-VA) introduced an amendment to strike the drug provision entirely from the HEA. It was defeated by a 31-16 vote.

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## Amherst, MA Voters Approve Referendum to 'Deprioritize' Marijuana

**A**mherst voters approved a nonbinding referendum on March 28th that "deprioritizes" marijuana enforcement and also urges state and federal lawmakers to repeal anti-marijuana laws.

The initiative, led by student Vern Coffey and the University of Massachusetts Cannabis Reform Coalition, the campus NORML affiliate, passed on March 28th with 1,659 votes in favor and 981 against. This is the second time Amherst voters have passed a similar measure. In 1976, a town meeting approved an article calling for the legalization of marijuana.

The question voters approved reads: "Shall the following proposal be passed? In Affirmation and expansion of the Amherst Town Meeting vote of May 12, 1976 (Article 52, Part 2),

we urge the members of the Selectboard and the Town Manager to persuade our state representative, state senator, U.S. representative and U.S. senators to repeal the prohibition of marijuana; and, in the interim, before repeal has been effected, we urge the Amherst Police Department to deprioritize the enforcement of laws covering the possession of marijuana against persons over the age of eighteen."

"I don't know anyone who believes that arresting people for simple possession of marijuana is less harmful for them than marijuana itself, said Richard Evans, Esq., a Northampton, MA attorney and NORML board member. "Most people recognize that the worst thing about marijuana is that it can get you arrested."

## California Initiative Would Eliminate Incarceration for Drug Possession Offenses

Californians convicted of non-violent drug possession offenses, as well as parolees who use drugs, may get a reprieve from incarceration if voters approve an initiative this November titled "The Substance Abuse and Crime Prevention Act of 2000."

The act, sponsored by Campaign for New Drug Policies, would provide drug treatment services to all first and second-time non-violent drug offenders instead of incarceration. If approved, \$60 million will be allocated from the state general fund for drug treatment for the 2000-2001 fiscal year and \$120 million each year after until 2005-2006.

"We believe that there is a hunger among voters for alternatives to this drug war strategy," said Bill Zimmerman, the initiative's campaign director. "The public wants new policies that are more sensible and less expensive. This initiative is consistent with public opinion and hopefully, its passage will encourage elected officials to also seek alternatives to what is rapidly becoming the biggest public policy failure in recent memory."

The state legislative analyst's office estimates the measure would annually save the state between \$100 million and \$150 million with an additional \$50 million in savings to the counties. They also suggest the state could save between \$475 million and \$575 million by eliminating the potential need for a new state prison. The office estimates 25,000 Californians would be spared from prison and sent to treatment facilities each year.

"This initiative is a smarter drug policy for California," said Dave Fratello, spokesman for Campaign for New Drug Policies. "Taxpayers will save more than \$1 billion over five years, and non-violent drug offenders will get the treatment services they need."



# JUDICIAL WATCH

## Marijuana Activists Denied Medical Necessity Defense; Enter Plea in High Profile Federal Prosecution

As part of an agreement reached with federal prosecutors, medical marijuana activists Todd McCormick and Peter McWilliams pleaded guilty last November to conspiracy to manufacture and distribute marijuana. In return, other charges carrying a 10-year mandatory sentence were dismissed against both men. They were charged with cultivating marijuana in a Bel Air, CA, mansion, which they say was intended to supply to “buyers clubs” that serve patients in California.

U.S. District Court Judge George King earlier ruled that neither defendant would be permitted to raise a medical necessity defense to the charges, or even discuss their illnesses before the jury. Left with no legal defense and precluded from explaining to the jury they were trying to help other patients, McCormick, who has bone cancer, pled to a

single count which carries a five-year mandatory sentence, but preserved his right to appeal to the 9th Circuit U.S. Court of Appeals the trial court’s ruling precluding a medical necessity defense.



Peter McWilliams

McCORMICK  
GIVEN A  
FIVE-YEAR  
SENTENCE;  
McWILLIAMS  
WOULD HAVE  
BEEN SENTENCED  
IN AUGUST



Todd McCormick

In September of last year, in a separate case (*United States of America v. Oakland Cannabis Buyers’ Cooperative, Case Number 98-16950*), the 9th Circuit ruled that medical necessity can be a viable defense for those accused of violating federal marijuana laws. In October, the Justice Department petitioned the 9th Circuit to

reconsider its decision, and the court denied their request.

“This case has been as much about medical marijuana as the Boston Tea Party was about tea,” McCormick said. “It is pathetic that our government needs to sacrifice more lives to prove a dying point. It’s obvious that this prosecution was intended to send a message from Washington to medical marijuana activists and patients: No one is spared from the drug war, not even seriously ill patients.”

McWilliams, a best selling author who has both AIDS and cancer, waived his right to appeal, in exchange for avoiding a mandatory sentence. McWilliams could receive a sentence ranging from probation to five years in prison when he is sentenced by Judge King on Aug. 15.

“This case raises serious questions involving states’ rights and the proper role of the federal government,” said NORML’s Stroup. “Since the voters in California have elected to legalize medical marijuana, what right does the federal government have to bring this prosecution?”

“Further, one cannot help but ask why it is that some individuals in California are permitted to cultivate marijuana and distribute it to patients, while others are selectively prosecuted and jailed, in this instance by federal authorities. It smacks of selective enforcement and appears to be an attempt to silence two outspoken medical marijuana advocates.”

### In Memorium

As we were going to press, NORML learned that Peter McWilliams had died on June 14th in his home in Los Angeles. He was 50 years old.

McWilliams, who had put up his mother’s house as collateral to cover his bail so he could remain free following his arrest,

was under a court order not to smoke marijuana, the only medication that effectively overcame the nausea and vomiting caused by his AIDS medication. Had he failed a drug test, the government said they would revoke his bail and take his mother’s house.

McWilliams apparently died from asphyxiation when he choked on his own vomit, causing some observers to blame his tragic death on the federal government’s refusal to permit him to use medical marijuana.

He is survived by his mother Mary and brother Michael.



# INDUSTRIAL HEMP

## Reno Orders End to Hemp Seed Embargo

The embargo ordered by U.S. drug czar Barry McCaffrey on sterilized hemp seeds entering the United States from Canada has been lifted, but the drug czar is already plotting new methods to stop the trade.

U.S. Attorney General Janet Reno has commanded the drug czar in April to lift the embargo in a letter that stated, "We lack legal authority to prohibit importation of hemp products unless the definition of marijuana in Title 21 U.S.C. Section 802.16 (c) [the Controlled Substances Act] is changed to remove the hemp exclusion." Reno continued to say in her letter that in the case of hemp, Congress made

its decision clear not to restrict hemp imports and that the tetrahydrocannabinol (THC) levels are too low to trigger psychoactive effect.

According to Hawaiian Rep. Cynthia Thielen (R-Kailua), who sponsored the bill legalizing industrial hemp in Hawaii, McCaffrey is now circulating several proposed amendments to the Controlled Substances Act to again hinder the industrial hemp trade. The three amendments propose alternatively: strike all exemptions, completely eliminating the importation, trade and possession of hemp products; exempt only hemp fiber which is used to produce paper, cloth, and other "legiti-

mate" commercial products; or provide for an exemption for products not used for human consumption.

Thielen is urging a letter writing campaign to President Bill Clinton and other federal administrators and members of Congress, but not to McCaffrey.

"He (McCaffrey) is doing everything he can to destroy the industrial hemp industry, and with each setback, he simply comes back harder," Thielen said. "We need to ask President Clinton to reign him in for the good of America's farmers and businesses."

The legality of industrial hemp seeds passing into the country has been anything but clear since last August when the DEA instructed U.S. Customs to stop the importation of all hemp seed products into the U.S., which was first tested with a 53,000 pound birdseed shipment from Kenex Ltd. Then, last November, the DEA lifted the embargo, only to have McCaffrey reinstate the embargo this January because it goes against his office's "zero tolerance policy."

## Maryland House and Senate Pass Industrial Hemp Bill

An industrial hemp bill establishing a four-year pilot program was signed by Gov. Parris N. Glendening (D) on May 18. The bill passed the Maryland House of Delegates on March 31st with a 128-8 vote, and unanimously passed the Maryland Senate on April 2nd.

The pilot program will begin on July 1, 2000. The legislation requires that the state's secretary of agriculture administer the pilot program in consultation with state and federal agencies, including the Drug Enforcement Administration, which would have to approve any cultivation plots. According to the legislation, only state-owned land may be used to cultivate industrial hemp during the duration of the study.

"Industrial hemp's utility is well-established throughout the world," said Scott Colvin, NORML Foundation Publications Director. "It is wonderful to see Maryland joining the growing number of states that are attempting to boost a sagging farm industry with an ecologically and economically sound crop like hemp."

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## FCC Opens Investigation Into Drug Czar's Payola Scandal

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to the inquiry. ABC, NBC and Warner Brothers have responded to the inquiry. At press time, the FCC has not received any further correspondence from Fox and CBS. The respondents have all admitted receiving millions of dollars from the ONDCP for including anti-drug messages in their programming, but denied they altered scripts to qualify for federal funding, and argued the anti-payola statute doesn't apply.

"It is encouraging to see the FCC move forward with this investigation," said Tom Dean, Esq., NORML Foundation Litigation Director. "The drug czar's office arrogantly refused to disclose much of this same information when NORML filed a Freedom of Information request. Perhaps we'll learn the truth from the networks. We will use all legal means available to fight this attempt to create special government approved speech."

Dean filed the complaint on NORML's behalf on February 17, asking the FCC to sanction the ONDCP and the networks involved for their continued violations of the anti-payola law set forth in the Federal Communications Act.

## New Study Ranks States by Marijuana Arrest Rates

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North Dakota with 860 people, followed by Wyoming with 1,368 arrests, Delaware with 1,376 arrests, Montana with 1,576 arrests and Hawaii with 1,596 arrests.

"While total marijuana arrests appear to be leveling off, they remain at the highest levels in United States history, both in absolute numbers and in terms of arrest rates," Gettman said. "The greater the level of arrests the more important

it has become for the government to justify these arrests and the accompanying economic and social costs. It is clear from this data that marijuana arrest trends vary widely throughout the United States, and thus the cost of maintaining marijuana prohibition varies widely throughout the country as well."

The 1997 arrest rates of states that have decriminalized possession of small amounts of marijuana are listed in the table below.

While marijuana arrests are substantially lower in six decriminalization states, the other five states' arrest rates are among the highest in the country.

### MARIJUANA ARRESTS AND ARREST RATES FOR 1997 FOR DECRIMINALIZATION STATES

STATE	TOTAL	AQ	RATE	RANK
Alaska	1,743	0.79	417.71	1
New York	73,380	1.34	404.59	2
Nebraska	6,367	1.38	384.25	3
Mississippi	10,363	1.10	379.46	4
North Carolina	23,008	0.93	309.87	12
Colorado	10,650	0.80	273.57	20
Maine	3,310	1.27	266.51	23
Minnesota	10,560	1.07	225.35	29
Ohio	24,535	0.85	219.34	32
Oregon	6,186	0.76	190.75	37
California	58,068	0.77	179.96	42

## UK Drug Authority OKs Full Scale Patient Cannabis Trials

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if human trials confirm that it alleviates patients' symptoms.

"It's remarkable that the British government has moved so quickly on the matter of conducting actual human trials with marijuana," said NORML Foundation's St. Pierre. "The British have gone from white paper to parliamentary report to research implementation in less than two years. Compare that with the U.S., where, in the last 30 years the government has rejected the findings of two of its own commissions; fought NORML in a 22-year lawsuit aimed at rescheduling marijuana to permit medical use; canceled a program that provided government grown marijuana to select seriously ill medical patients; propagandized against voter initiatives in seven states; supported congressional efforts to not count the votes in a medical marijuana voter initiative in the District of Columbia; and finally the U.S. government even threatened to sanction physicians who spoke to their patients about medical marijuana. What is wrong with the U.S. Government?"

## House Committee Approves Amendments Affecting Student Loan Eligibility

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"Those who have been convicted of minor drug crimes should not be restricted from college loans when we don't restrict rapists and armed robbers," Scott said. "It would seem that getting users into college would reduce drug use. We are fighting a philosophical battle as to whether we will reduce crime rationally or with slogans and rhetoric."

"Despite the best efforts of Rep. Scott and other fair-minded politicians, Congress appears intent on passing more wasteful and destructive legislation to punish marijuana smokers," said NORML Foundation's St. Pierre.

# Willie Nelson Records NORML PSA

Country singer Willie Nelson, America's most beloved marijuana smoker and a good friend to NORML, has lent his voice and one of his most recognized songs to a 30-second radio public service announcement (PSA) calling for an end to the arrest of marijuana smokers.

"Nearly 700,000 Americans were arrested on marijuana charges last year," Nelson says in the PSA as his hit song "On The Road Again" plays in the background. "That's an enormous waste of law enforcement re-

sources and terribly unfair to those arrested and their families. It's time we stopped arresting adults who smoke marijuana responsibly."

The listener is then directed to NORML's website and toll free telephone number. Willie ends the spot with, "Tell them Willie sent you."

NORML is sending the PSA to radio stations nationwide with the request that they schedule the PSA for free airtime. The spot was recently played on the popular Howard Stern show, a program with over 12 million listeners.



"Willie is perhaps the best known marijuana smoker in America, and one of the country's favorite entertainers," said Keith Stroup, NORML Executive Director. "It's a real honor to have him as our national spokesperson."

To listen to the 30-second PSA, visit the NORML website at [www.norml.org](http://www.norml.org).

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at the Pier House Resort and Spa,  
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for more information on these two  
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Norml Executive Director Keith Stroup ▲  
testifies before the Judiciary  
Committee of the DC City Council  
at a hearing on May 10th. The  
Council is considering legislation to  
raise penalties for marijuana  
offenses.

Director Ron Mann (left); with  
Lindesmith Center Director Ethan  
Nadelmann, Ph.D. (center); and  
Shawn House of the Lancaster Hemp  
Company at the post-screening party  
for the feature documentary "Grass".  
The preview screening was held in  
New York on May 22nd as a benefit  
for NORML.

