

Sessions Pick Could Set Back Movement to Legalize Marijuana

By Stephanie Akin, CQ Roll Call

President-elect Donald Trump's selection Friday of Sen. Jeff Sessions for attorney general could be a setback to the burgeoning movement to legalize marijuana.

Sessions, who declared at an April Senate hearing that, "good people don't smoke marijuana," is one of Congress's staunchest legalization opponents.

"This should put the brakes on marijuana investments and further plans to legalize until there is more clarity," said Kevin Sabet, co-founder of Smart Approaches to Marijuana, an organization that compiles arguments against legalization. "I'd think marijuana investors — and legalizers — might be rethinking their strategy right now."

Legalization advocates warned that any anti-legalization action would cause, "huge political problems."

"The truth is, marijuana reform is much more popular with voters than most politicians are, and officials in the new administration would do well to take a careful look at the polling data on this issue before deciding what to do," said Tom Angell, chairman of the advocacy group Marijuana Majority.

As the top law enforcement officer of the federal government, Sessions' job would be to carry out the Trump administration's policies, not set his own. The Alabama Republican's appointment is subject to confirmation in the Senate.

Current Attorney General Loretta Lynch, for example, has stated that she is against marijuana legalization. But the Justice Department has followed Obama administration policies that have helped state-sanctioned businesses operate, even though they are technically violating federal laws.

But with Trump so far offering little indication of his position on the issue, Sessions could be in a position to influence the direction the president-elect decides to take, said John Hudak, a senior fellow at the Brookings Institution who writes about drug policy.

"If Trump wants marijuana policy to look a certain way, it will look that way," Hudak said. "That assumes that president Trump cares about marijuana policy."

Trump has said he supports medical marijuana. He made conflicting statements about full legalization during his campaign but said he would respect state laws.

Both the House and Senate have voted since 2014 to prohibit the Justice Department from using federal money to prosecute medical marijuana businesses in states where it is legal. That prohibition, an amendment to the Commerce-Justice-Science appropriations bill, must be renewed every Congress.

The Attorney General's office could file lawsuits against states that are setting up regulatory systems. It could also repeal a landmark 2013 Obama administration policy that stated the Justice Department would largely defer to states to enforce marijuana laws.

Recent polls have shown a majority of Americans support legalization, including October polls by Gallup and Pew that found 60 percent and 57 percent in favor respectively.

Voters in California, Massachusetts, Nevada and Maine on Election Day approved marijuana for recreational use. Florida, North Dakota and Arkansas approved medical marijuana initiatives. And voters in Montana rolled back restrictions on an existing medical marijuana law.

Four states and the District of Columbia already legalized the sale of recreational marijuana by a popular vote, and an additional 25 states allow medical marijuana or have decriminalized possession laws, according to the Tax Foundation, a nonprofit tax policy research organization.