



Jeff Sessions is Rescinding Federal Marijuana Protections

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Just days after California ushered in a new era for marijuana legalization by introducing a recreational market to the sixth largest economy on Earth, the Trump administration has positioned itself to undo years of progress by rescinding the integral federal protections that allow states to establish their own marijuana legislation.

Two anonymous sources with direct knowledge of the decision informed *The Associated Press* early Thursday that Attorney General Jeff Sessions would nix the Cole Memo, an Obama-era provision that ensured federal funds would not be used to enforce marijuana prohibition in states that had passed legalization. The sources added that, from this point forward, federal prosecutors in states with legal marijuana “will have deference to enforce U.S. laws on marijuana as they see fit in their own districts.”

This news complicates business operations for countless compliant entrepreneurs across the country who now must weigh the possible federal repercussions of following their respective state’s laws. In states where business owners could legally grow, process, sell, and possess cannabis products, the Cole Memo offered a layer of protection from federal scrutiny.

When reached for comment, Jonathan Blanks, a research associate with Cato’s Project on Criminal Justice, said of the rescinding of the Cole Memo, “This move endangers state-legal businesses and violates the principles of federalism that have been central to the Republican Party for decades.”

“While the average marijuana consumer is not going to be targeted or arrested by the federal government, business owners directly and indirectly involved in state-legal recreational marijuana distribution may see their freedoms and livelihoods threatened by this action,” Blanks added. “Put simply, the DOJ is using the criminal law to trample on state prerogatives and individual rights.”

The Cole Memo was introduced in 2013 by then-Deputy AG James Cole, promising to let states evolve their marijuana industries without interference from the federal government, so long as the states ensured the products were not leaving the state or ending up in the hands of minors.

No, Attorney General Sessions. Marijuana is not the same as heroin. No one who has seriously studied the issue believes that. Quite the contrary. We should allow states the right to move toward the decriminalization of marijuana, not reverse the progress that has been made.

Eight states (Colorado, California, Oregon, Washington, Alaska, Massachusetts, Maine, and Nevada) and the District of Columbia have legalized cannabis for recreational purposes, while 29 states have legalized marijuana for medicinal purposes.

Erasing the Cole Memo also represents a stark disconnect from the campaign promises President Trump made regarding marijuana laws.

“I wouldn’t interfere because I think that really is a local issue. When you look at what’s happened in Colorado as an example, it’s a local thing,” Trump told *CBS Boston* in February 2017. “I wouldn’t interfere with it. I think that’s something that really is very much up to the local area.”

While AG Sessions’ stance on marijuana has been the worst kept secret in America, many believed the marijuana industry had achieved too much momentum for the prohibitionist to reverse course. President Trump issued an executive order almost a year ago that created a task force whose sole purpose was to investigate marijuana legalization around the country, develop an enforcement strategy, and issue recommendations for how the Department of Justice should handle cannabis. The recommendations were supposed to be submitted by July, but those findings have been sealed from public view.