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Jeff Sessions Is Rip Van Winkle on Drug Policy

Intensified enforcement of marijuana prohibition would be a tragedy.

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Lost in the brouhaha about whether Attorney General Jeff Sessions lied to Congress about his contacts with Russian officials is an appropriate consideration of the pernicious influence he could have on policy toward illegal drugs. At a time when America seems poised to adopt a more enlightened policy on that issue, Sessions could set back progress at least a generation.

Especially when it comes to policy regarding marijuana, Sessions emulates Rip Van Winkle. He apparently went to sleep shortly after Richard Nixon declared a “war” on illegal drugs in 1971 and just recently awakened from his slumber. There is little evidence that Sessions understands what havoc the war on drugs has wrought both domestically and internationally since Nixon issued his declaration.

Instead, the attorney general regurgitates simplistic clichés right out of the 1970s and 1980s about marijuana use. “I don’t think America is going to be a better place when people of all ages, and particularly young people, are smoking pot,” Sessions told reporters on February 26, claiming that “we’re seeing real violence” around the trade. During a Senate hearing in 2016, he vehemently condemned pot use and wanted the federal government to send a message to the American people that “good people don’t smoke marijuana.” That statement ignored abundant evidence that millions of people from all walks of life use the drug either medically or recreationally. Chastising the Obama administration for a supposedly lax stance on the issue, Sessions asserted that “we need grown-ups in Washington to say marijuana is not the kind of thing that ought to be legalized.”

Amazingly, he has escalated such inflammatory and bizarre rhetoric. Speaking at a gathering in Richmond, Virginia on March 15, Sessions equated marijuana use to heroin addiction. Either one, he contended, was a “life-wrecking dependency,” adding that marijuana was “only slightly less awful.” He reserved special contempt for those who argue (with growing evidence) that marijuana has been useful in weaning opiate addicts off of those harder drugs.

Such comments confirm that critics may be right when they label him a “drug war dinosaur.” He seems either oblivious or scornful about the trend in public opinion regarding

marijuana. Multiple polls indicate a growing majority in favor of legalizing the drug not only for medical purposes, but also for recreational use. And that grassroots sentiment has resulted in major legislative changes at the state and local levels. Over the past two decades, 28 states have legalized medical marijuana, and in the past few years, eight states (including most recently, large states such as California and Massachusetts) have legalized recreational marijuana. Most recently, a February survey from Quinnipiac University confirmed that 71 percent of American voters, including a majority of Republicans, want the federal government to respect state marijuana laws instead of overriding them with federal enforcement measures.

Despite being a conservative Republican who touts the importance of states' rights, Sessions is making ominous statements about running roughshod over the wishes of states that have embraced marijuana legalization. Since taking office, he has on several occasions emphasized that marijuana remains illegal under federal law and that he fully intends to enforce that statute vigorously. Aside from the hypocrisy on his part, such a move would create a nasty showdown between federal and state authorities.

Unfortunately, Sessions' retrograde views are apparently already having a poisonous influence on the Trump administration. During the campaign, Trump on several occasions promised to "leave it up to the states" regarding marijuana. That certainly implied a respect for the laws of states that had legalized even recreational marijuana. Now, however, there are signs the administration is retreating from that position. Press spokesman Sean Spicer recently stated that states that have legalized recreational marijuana will see not just enforcement, but "greater enforcement" of federal prohibition laws, and that the Justice Department (i.e., Sessions) would make the decisions about appropriate steps.

Continued, much less intensified, enforcement of marijuana prohibition would be a tragedy. The drug war has created more than enough societal disasters, both domestically and internationally, since Nixon launched that initiative. Millions of Americans have had their lives disrupted and acquired the stigma of a criminal record for doing nothing more than choosing to use a drug that politicians arbitrarily made illicit.

To state the obvious, having a criminal record does not help one's prospects for getting a job and all the benefits that tend to flow from stable employment at a good wage. For those who have been sentenced to prison terms for possession or trafficking, the consequences are even worse. That action pulls breadwinners out of the home, causing families to be shattered, thereby producing an assortment of social pathologies.

Perhaps worst of all, drug prohibition has filled the coffers of violent criminal organizations. Making a drug illegal causes the retail price to soar, creating a lucrative profit margin for individuals and organizations willing to undertake the risks associated with violating prohibition laws. Not surprisingly, most people willing to do that are prone to violence and have no respect for laws in general. The result has been horrifying levels of carnage, both in American communities where the drugs are sold and in countries that are the source of the product. The latter turmoil has been especially pronounced in America's southern neighbor, Mexico, where nearly 100,000 people have died in the fighting over the past decade.

Incurring such results is bad enough in a futile attempt to enforce laws against cocaine, heroin, and other hard drugs. It is reprehensible to do so with a popular, mild drug such as marijuana. Unfortunately, Jeff Sessions seems clueless about the negative consequences of drug prohibition. “You can’t sue somebody for drug debt; the only way to get your money is through strong-arm tactics, and violence tends to follow that,” Sessions recently informed reporters. That perverse situation, however, is the result of marijuana prohibition, not mere commerce in marijuana (or any other drug, for that matter). When marijuana is legal, collection of such debts most certainly can be enforced in a court of law, rather than through gunfire, and since legitimate businesses instead of criminal enterprises would dominate the trade, they would have every incentive to do so.

Jeff Sessions was a most unfortunate choice for U.S. attorney general. Rather than letting this modern-day Rip Van Winkle ignore the multitude of negative consequences that the drug war has caused over the past four and a half decades and launch a new, destructive crusade against marijuana, including in states that have legalized the drug, President Trump should keep his campaign promise to let the states decide policy. Above all, he needs to rein in Jeff Sessions before he does irreversible damage.

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