



How Jeff Sessions made an argument for Drug Legalization

Chris Roberts

July 3, 2017

After his late winter and spring of fear, it's been some time since Attorney General Jeff Sessions has said anything in public about marijuana legalization.

This could be because he has been unable to do much aside from issue vague and ultimately empty threats, in no small part thanks to the fact that his political prestige has fallen so far that even backbenchers in Congress won't take his calls.

Or it could be because he has since turned from his existential hatred of cannabis and inability to conceive of a world where adults consume drugs in peace towards other longstanding personal hobbyhorses, like voter suppression.

In any event, it's a good thing Sessions hasn't said much about marijuana legalization—good for *him*.

Almost every time he does, he ends up inadvertently making the opposite case. Plato would absolutely love this guy, as one of Socrates's hapless sophist foils.

The most recent example of Sessions's illogic at work can be found in the *Washington Post*, which, perhaps out of sheer magnanimity, decided to throw Sessions a bone and print his words under a June 16 op-ed. As the Cato Institute's Jeffrey Miron pointed out in a response last week, all the problems Sessions identified—the drug trade is violent! Drug dealers don't use the courts! Mayhem! Hysteria!—are solved when drugs are no longer illegal.

But since Sessions works for Donald Trump, the attorney general also went ahead and presented some alternative facts, as well as trotting out exhausted, Reagan-era arguments that purport to tie, without even the feeblest attempt at a causal link, a slight uptick in crime in America to relaxed drug laws.

At the heart of Sessions's argument is that a harder line on criminal justice is required, with more police on the streets and more prosecutors in the courts—and, subsequently, with more people in prison—because drug-dealing is inherently dangerous and violent.

“If you want to collect a drug debt, you can't, and don't, file a lawsuit in court,” wrote the attorney general in his opening lines, possibly in between binge-watching episodes of *Narcos*. “You collect it by the barrel of a gun.”

This was true for Pablo Escobar and his ilk. It was true for El Chapo Guzman. It is not true for weed businesses, who absolutely do file lawsuits in court when a dispensary or grower is short. Do you know who else would, if they enjoyed the protection of the law, rather than living in fear of bellicose lawmen like Sessions? Everyone working in weed in the states where it is not legal.

“The solution is trivial,” Cato’s Miron wrote. “Legalize drugs.”

Sessions also brings up the 52,000 Americans who died of drug overdoses in 2015, the most ever.

For them, “drug trafficking was a deadly business.” Left unsaid are the facts that the opiate crisis has its genesis in *legal* prescription pain medications, like the more than one billion pain pills shipped to the heart of Trump Country in Ohio and West Virginia, and that in places where the economics are similar but marijuana is widely available, such as California’s Central Valley, there is nothing remotely close to the epidemic of deaths plaguing the Rust Belt.

Sessions blames Obama-era policies, including the 2013 sentencing memo and other reforms such as the end of the 100-to-1 sentencing ratio for crack cocaine versus powder cocaine meant to reverse the tide of nonviolent drug offenders into prison, for an increase of violent crime.

He does not present any evidence to support this claim aside from pointing out the two events happened at roughly the same time. He also claims that federal drug prosecutions dropped—and this is blatantly false. Drug prosecutions still constitute almost a third of the federal caseload, even with the bleeding heart liberals in charge of the Justice Department.

Sessions also tries to claim that prisons aren’t full of nonviolent drug offenders, since “less than three percent of federal offenders” sent to prison in 2016 “were convicted of simple possession.”

Here is an attempt at misdirection. As Cato’s Miron notes, almost half of the country’s 200,000 federal inmates are in prison for drugs. And it is stupendously easy to be in prison for nonviolent drug *sales* charges, as the 76 percent of drug offenders doing time for a crime that did not involve a weapon can attest.

There are other false statements and untruths in Sessions’s op-ed; please do read the whole Cato Institute post for yourself. As if it needed repetition, it is abundantly clear that Jeff Sessions’s philosophy of law enforcement has nothing to do with public safety or the public good. He is motivated by a warped and hateful ideology.

Look: On the day the DOJ finally deployed more cops and more prosecutors to Chicago to deal with gun violence there—in the economically disadvantaged inner city, where people enjoy less access to education and employment, sort of like in the opiate-ravaged Rust Belt—White House spokeswoman Sarah Huckabee Sanders suggested Chicago’s crime wave is caused by a lack of “morality.”

Arguments like these are lifted straight from the playbooks of white supremacists—which should tell you everything you need to know about Jeff Sessions and why he wants to make America a drug war battleground again.

