

Cannabis, Dubious, and Perjurious, Oh My!

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Back in early December, I blogged that the normalization of the cannabis industry was far from a fait accompli. Especially the banking of cannabis revenues. Essentially, I noted that a cloud of smoke obscures the issue. I noted that the election of Trump and the possibility that he might pick Jeff Sessions as his Attorney General meant that there would be great uncertainty for federal tolerance of state legalization of recreational weed. Since then, Sessions became Attorney General, the highest ranking law enforcement official in the land.

Candidate Trump promised to respect state laws on marijuana, but, recently, Press Secretary Sean Spicer has harshed the industry's buzz by saying during a press conference on February 23, that the Department of Justice is likely going to increase enforcement efforts of federal cannabis laws. And Sessions has rattled more than a few by ordering a review of the hands-off pot policy put in place under President Barack Obama. Sessions said just last week that he is "dubious about marijuana." (too bad he didn't say "doobie us.")

Now, a group of U.S. senators have written to Attorney General Jeff Sessions imploring the Trump administration to back off threats to crackdown on state marijuana laws. "We respectfully request that you uphold DOJ's existing policy regarding states that have implemented strong and effective regulations for recreational use," the senators wrote to Sessions. "It is critical that states continue to implement these laws."

One Justice Department spokesman is urging the senators to mellow out. "The department's current policy is reflected in the 2013 Cole Memo," the DOJ spokesman said, referring to the Obama policy. But, it is clear that Sessions is hinting at sweeping changes, saying that the Obama-era policy is under review. "I'm definitely not a fan of expanded use of marijuana," Sessions told reporters. "States can pass the laws they choose. I would just say it does remain a violation of federal law to distribute marijuana throughout any place in the United States, whether a state legalizes it or not."

It is worth noting that the role of Sessions is pretty important here and his role in government may be coming to a dramatic and swift conclusion. The video of Session's testimony during confirmation hearings shows him making a "no contact with Russia" declaration which cannot be seen now as anything other than a lie under oath; aka perjury. Under federal law, "Whoever . . . having taken an oath . . . in any case in which a law of the United States authorizes an oath to be administered, . . . willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true . . . is guilty of perjury and shall . . . be . . . fined under this title or imprisoned not more than five years, or both."

It remains premature to predict the outcome here. I speculated last time I wrote that we might have greater clarity by the end of March, but there is still too much smoke in my crystal ball. Regarding the winding, twisting road toward legalization of recreational cannabis, one cannot help but note what a long, strange trip it's been.