

Pot Politics 2020: Biden/Harris and cannabis

In part one of my Pot Politics 2020 series, I covered Donald Trump's unsurprising oscillations on US marijuana policy in recent years. This time, I turn the lens to examine the policies (past, present and future) and the people who are on the Democratic ticket in this election: Joe Biden and Kamala Harris.

“Architects of The War on Drugs”

Last issue, I mentioned that the Trump campaign was attempting to paint Joe Biden as an “architect of the war on drugs,” which is quite the statement coming from a supposed law and order lover who is known to have “the utmost respect and adoration” for Richard Nixon, an actual architect of the modern War on Drugs. Similar criticisms about the political past of Kamala Harris have been raised, especially in relation to her role as the District Attorney of California. Is there any truth to these assessments, and what kind of evolution on cannabis policies can we expect to see from the two top Democrats in 2020 and beyond?

The short answer is yes, there is truth to those criticisms, and I do believe that the past remains relevant when it comes to current political viewpoints. Biden was, in fact, one of the authors of the 1994 Crime Bill, an infamous set of draconian drug laws that many believe helped fuel mass incarceration in this country, including harsh mandatory minimum sentences for first time nonviolent possession of small amounts of controlled substances. In the more recent past, he also opposed decriminalization of marijuana during the Obama administration, despite mounting evidence of success in other countries. Harris, in her days as a powerful prosecutor, was vocally dismissive of marijuana reform efforts, even co-authoring a voter guide opposing the legalization of cannabis in California in 2010, and has long been criticized for her role in convicting nonviolent marijuana offenders.

Where They Stand Now

“Making marijuana legal at the federal level is the smart thing to do, it's the right thing to do. I know this as a former prosecutor and I know it as a senator.” – Kamala Harris. With words like that, I think it's safe to say that both Kamala Harris and Joe Biden have wisened up when it comes to the realities of marijuana policy in the US. Kamala has said she now supports ending the War on Drugs, mass incarceration and private prisons, while Biden would like to expand rehabilitation efforts, eliminate mandatory minimums and abolish the death penalty. However, as major party nominees, they are also beholden to the Democratic Party platform, which is not known for its progressive stance on cannabis — or for even mentioning it at all.

This year, federal legalization was *almost* included as part of the Democratic Party platform, but it was voted down by committee, ironically because such a commitment would force Joe Biden to evolve more on the issue than he is comfortable with. Instead, the party adopted recommendations submitted by the Biden-Sanders Unity Task Force, which include cannabis rescheduling, decriminalization, automatic expungement, federal medical legalization and a continuation of allowing states to be “laboratories of democracy” when it comes to adult-use cannabis.

Biden also addresses cannabis reforms in his Plan for Black America and his Plan for Strengthening America’s Commitment to Justice, although his proposals stay within the guidelines outlined by the task force. He also supports rescheduling marijuana as a Schedule II drug, which would open up more research opportunities, although that move is thought to be largely symbolic rather than substantive. While none of these reforms, in my opinion, go far enough on their own to right the wrongs of the modern War on Drugs that Biden is partially responsible for, I would be lying if I claimed that they wouldn’t amount to huge wins for our country when it comes to cannabis policy.

As a US Senator, Kamala Harris has shown support for more forward-thinking proposals related to cannabis and criminal justice reform than her running mate. She has supported the Marijuana Justice Act and cosponsored the SAFE Banking Act, saying, “We shouldn’t do this without addressing the reality that people of color are being shut out of the legal marijuana industry... That means not only legalizing marijuana, but also expunging criminal records and providing a path for people of color to enter the industry.” She is also the lead sponsor of the Marijuana Opportunity Reinvestment and Expungement (MORE) Act, which would completely remove marijuana from the Controlled Substances Act (as opposed to rescheduling, as Biden wants to do), as well as provide a framework for expungements, protect immigrants’ rights and direct tax revenue toward building equity in the cannabis space through a Cannabis Justice Office within the Department of Justice.

What to Expect in 2020 and Beyond

As it stands, neither major party candidate supports federal legalization or the type of progressive cannabis reforms that would actually make a difference in the lives of everyday Americans. However, with a majority of Democratic (76%), Independent (68%) and even Republican (51%) voters now in support of marijuana legalization, I think it’s likely that we will see some kind of federal reform policies pushed through in the next four years. As Violet Cavindish of the Marijuana Policy Project noted, “It really depends on what the makeup of Congress looks like after the election, and who each candidate would choose to be on their staff ... At the end of the day, Biden is more likely to choose people who are in favor of cannabis than Trump.”

Overall, I think that the apparent Biden/Harris evolution on cannabis reform is probably an accurate reflection of the gradual forward progression of the general public on this issue, and an example of how even the most progressive policy idea can be watered down into pragmatic incrementalism as it moves

through the cogs of American democratic government. While I certainly believe in setting high policy standards for our political leaders, and holding them accountable for their past and present actions, ultimately what I want to see most in our elected officials, and in our fellow citizens as a whole, is a capacity for *growth*. If we don't allow each other (and ourselves) the space to learn and grow from our past mistakes in pursuit of creating a better world, then how can we expect to make progress?