

Despite Election Day Wins, Legal Marijuana Advocates Wonder What Trump Presidency Will Mean to the Cause



Although the presidential election might've stolen the show on

November 8th, marijuana made an important appearance on several states' ballots. And the ultimate fate of voters' decisions may be impacted by the [president-elect's administration](#).

Cannabis advocates enjoyed overwhelming victory on election day: voters in nine states were tasked with deciding legalized marijuana in some form (four regarding the medical variety, five the recreational). Eight of the nine initiatives passed (all but Arizona's); this includes approval of recreational cannabis in California, Nevada, Massachusetts, and Maine.

But despite the evidence that the majority of voters in those states are in favor of legal marijuana, advocates wonder if a Trump presidency will erase these great strides.

Is Trump stacking an anti-pot deck?

Ethan Nadelmann is Executive Director of the [Drug Policy Alliance](#); many consider him to be instrumental in the nation's push to legalize marijuana. His message is one of uncertainty about legal pot's fate in the next four years. "I'm mostly concerned by the people around Donald Trump," he said.

Although Trump has in the past made statements about legalized cannabis that ostensibly express support, the proposed lineup of historically drug-conservative politicians in his administration—for instance, Mike Pence, Rudy Giuliani, and Chris Christie—may prevent pot from sailing through to the finish line the way proponents would like.

"When we see Giuliani and Christie and Sessions around him, I think things could change pretty quickly," said Dr. Kevin Sabet, co-founder of the anti-legalization group Smart Approaches to Marijuana. "Everything is up in the air right now."

Are the Cole Memo and the Hinchey-Rohrabacher amendment at risk?

Any worry on the pro-side is specifically centered around two federal mandates potentially impacted by Trump's administration: the Department of Justice's Cole Memo, and the Hinchey-Rohrabacher medical marijuana amendment. Both offer some level of protection to states where cannabis is legal, even in the face of blanket federal prohibition of the drug as a Schedule I narcotic.

The Cole Memo, written under former U.S. Attorney General Eric Holder, stipulates that the federal government will not interfere with individual states that have legalized cannabis, providing those states adhere to a set of guidelines laid out in the document.

“Every state [that has legalized recreational or medical marijuana] has used those guidelines as the North Star on how to write your new state law,” said Lynne Lyman, the state director of California’s Drug Policy Alliance. “So we have no idea ... whether a Trump administration will send in the DEA or FBI to shut down California’s marijuana industry.”

The Hinchey-Rohrabacher medical marijuana amendment is congressional legislation that disallows the Department of Justice from spending federal funds to enforce federal prohibition of marijuana in states where it’s legally available.

A tale of three opinions

Looking at Trump’s past statements about marijuana doesn’t necessarily paint a clear picture of how he might address the issue as president.

In 1990, he told the Miami Herald that instead of launching the War on Drugs, the government should legalize all drugs and put the resulting tax revenue toward education about the perils of drug use.

However, during a Nevada campaign rally in October of 2015, he squeezed the federal government out of the equation: “In terms of marijuana and legalization, I think that should be a state issue, state-by-state.” Later at the same rally, he added, “I really think that we should study Colorado, see what’s happening.” (Recreational marijuana has been legal in Colorado since 2012.)

Fast-forward a few months to February of 2016, when Trump told Bill O’Reilly of Fox News that though he was “in favor of medical marijuana 100 percent,” he waffled on his prior interest in exploring Colorado’s recreational scene. “Perhaps not,” he said. “[Legalized recreational marijuana] is causing a lot of problems out there.”

“It’s progressed pretty far”: Despite uncertainty, optimism

The case may be that even if the president-elect has intentions to halt or even reverse legalized marijuana momentum, it already may be too entrenched to effectively undo. Hence the remaining optimism among advocates.

“Marijuana legalization is now supported by a growing number of Republicans, a majority of Republican millennials and by a number of people in the marijuana industry,” Nadelmann told NBC News.

“It’s also progressed pretty far,” he said. “Shutting it down would not be an easy thing to do.”

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