

The Virgin Islands Consortium

As Trump Administration Orders Review Of Marijuana Policy, Legalization Appears Less Likely In USVI

Health / **Published On April 16, 2017 09:24 AM /**

Ernice Gilbert **April 16, 2017**



When Senator Positive Nelson and his invited testifiers [failed to convince lawmakers](#) following multiple hearings territory-wide last year, that the medical marijuana bill introduced by Mr. Nelson was good for the territory, one of the pervading factors was the potential change in federal policy towards the drug -- brought to the fore by Attorney General Claude Walker -- which had been lenient during the Obama Administration, but appears to be changing under the Trump government.

Mr. Walker's opposition was first placed on record [during a hearing on an industrial hemp measure](#), when the AG contended that the passage of any marijuana legislation in the territory would come into direct conflict with federal law, more pointedly the Controlled

Substances Act. He said the Department of Justice, under his leadership, would not support any measure that legalizes marijuana in any form, "namely because it would violate the Federal Control Substances Act; Section 7606 of the Agricultural Act of 2014; as well as the supremacy clause of the United States Constitution."

The supremacy clause is the provision in Article Six, Clause 2 of the United States Constitution that establishes the United States Constitution, federal statutes, and treaties as "the supreme law of the land," standing over any and all state laws. Mr. Walker argued that states that have legalized marijuana, and those with hemp legislation that remain on standby, can face prosecution anytime and especially when administrations change, because policies that are in place that encourage law enforcement not to prosecute those in violation of federal law, can be rescinded without notice, as policy is not law.

Like prophecy, Mr. Walker's words have come to pass: Trump-appointed Attorney General Jeff Sessions, who has been a staunch opponent of marijuana legalization for years, [recently ordered a review](#) of an [Obama-era policy](#) under which the federal government agreed not to interfere with state laws on marijuana, as long as the states took steps to regulate its distribution and use. Mr. Session's review, however, appears to be aimed at giving the federal government the ultimate control.

Along with reviews of other Obama-era policies, Mr. Sessions says the Justice Department's Task Force on Crime Reduction and Public Safety, which he established on February 27, includes subcommittees to "undertake a review of existing policies in the areas of charging, sentencing, and marijuana to ensure consistency with the [Justice] Department's overall strategy on reducing violent crime and with administration goals and priorities. Another subcommittee will explore our use of asset forfeiture and make recommendations on any improvements needed to legal authorities, policies, and training to most effectively attack the financial infrastructure of criminal organizations," reads a portion of the new policy.

The new administration's emerging policy towards marijuana will carry heavy weight with local lawmakers if any marijuana legalization measure were to be reintroduced to the Senate. The territory, already heavily reliant on federal funding, would not want to irritate the Trump administration -- and thereby putting federal dollars at risk at a time when the territory needs financial help the most -- by breaking federal law.

Mr. Walker has contended that marijuana legislation -- whether for medical or recreational purposes -- would put the territory's residents at risk. "It would not protect private growers from being arrested by DEA and other federal agencies," Mr. Walker said, referring to the U.S. Drug Enforcement Administration and other federal arms.

The hemp measure, its reach heavily restricted before passing the full Senate, was ultimately approved and [signed into law](#) by Governor Kenneth Mapp. Its original intent was to allow for the cultivation of hemp as an industry in the territory, specifically St. Croix. However, the law as it currently stands is merely an authorization that allows the University of the Virgin Islands and the Department of Agriculture to conduct research to determine the viability of establishing a hemp industry in the territory. The measure appropriates \$75,000 to D.O.A. for this purpose. According to the new language, the other sections of the bill must wait for the U.S. Congress's approval before any action based on the research's results can be taken.

A recreational use bill has yet to be introduced.

USVI residents, as well as those living abroad, responded overwhelmingly in favor of some form of marijuana legalization during an unscientific poll conducted by The Consortium, when the publication [asked followers of its Facebook platform](#) whether or not they supported the legalization of medical marijuana in territory. The post received over 500 comments, 500 shares and 3,000 reactions.

According to The New York Times, more than half of Americans now live in states that have legalized use of marijuana for medical or recreational purposes. The publication also cites [a recent Quinnipiac University poll](#) that found 59 percent of voters nationally believe that the drug should be legal and 71 percent who say the federal government should not enforce federal marijuana laws in states that legalized it. And a recent poll in Canada -- [which is set to legalize the drug in July 2018](#) -- found that support for legalization is even greater in that country, at 68 percent. Once legalized, Canada will join Uruguay as the only other nation to completely legalize marijuana as a consumer product.