

Opinion: How State House dysfunction has stymied marijuana legalization

CARL GOLDEN | JANUARY 12, 2021 | [OPINION](#)

An embarrassing display of misunderstanding, miscommunication and disagreement



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It was supposed to be a win-win for all involved, a cause for a celebratory confetti shower. With public support exceeding 60%, the Legislature and the Murphy administration were to join hands and drag New Jersey into 21st century enlightenment by permitting adults to possess small amounts of marijuana for personal use without fear of the long arm of the law clamping down.

The future promised the creation of a new industry, entrepreneurs eager to invest, millions of dollars in tax revenue generated, and erasing the racially disproportionate rate of arrests and incarceration for possession.

Visions of a public bill-signing ceremony with congratulations and smiles all around, not to mention the distribution of souvenir pens, were about to become reality.

And it was all politically risk-free. Voters had granted landslide approval of an amendment to the Constitution to grant legal status to purchasing and the promise that users would soon be able to kick back, relax and fire up a joint.

Instead, the effort to establish rules and regulations and administer the program has deteriorated into an ongoing embarrassment, a public display of misunderstanding, miscommunication and disagreements indicative of a dysfunctional government.

The latest obstacle

For 2 1/2 months, disputes over tax rates, location and number of commercial outlets, licensing requirements and distribution of the anticipated revenue delayed legislative passage.

The latest obstacle — whether those under 21 found in possession of marijuana should be punished — has caused yet another delay.

The stalemate has resurrected the criticism that has dogged the administration since the outset — the inability of an inexperienced governor and his staff to understand, appreciate and react to the partisan and personal cross currents which often roil the Legislature.

The history of legalization efforts is not a particularly outstanding or stellar model of governmental policy-making collaboration.

It was a major component of Murphy's campaign agenda in 2017, but he was unable to convince the Democratic-controlled Legislature to support it in 2018.

The following year, the Legislature approved a ballot question for the 2020 election which, to the surprise of no one, drew a 60% favorable response, but left the details to the Legislature to decide.

No serious effort

Despite the certainty of the outcome, no serious effort was undertaken in the year leading up to the referendum to address the issues which thwarted legislative approval in the first place.

With the amendment providing that legalization would be effective on Jan. 1, 2021, the Legislature and the governor's office scrambled to build from the ground up in less than two months a multimillion-dollar endeavor and create a new state bureaucracy to administer and enforce it.

Two implementing bills currently rest in the no man's land inbox in the governor's office, awaiting a third bill to clarify penalties for marijuana possession by minors.

The lack of punishment provisions was cited by Gov. Phil Murphy as the rationale for withholding his signature, describing the omission as a “drafting error” easily resolved by passage of a cleanup bill.

Legislative proponents, though, claimed that failing to include penalties for juveniles was a deliberate policy decision rather than an inadvertent oversight.

Disagreeing on why they disagree

The two sides were unable to come to an agreement on the reasons for their disagreement.

Ultimately, a legislative committee approved penalties for minors guilty of possession, only to witness those too crash and burn after objections were raised, full floor action postponed and the sponsor withdrew his support, agreeing with opponents that any punishment would fall more heavily and with longer-term consequences on minority youth.

Whether the governor will relent and affix his signature to the pending legislation is unclear. The entire enterprise is in limbo and best estimates are that over-the-counter pot sales probably won't take place for another year.

It was an all too familiar story to many. The rap on the Murphy administration has been the absence of the politically masterful and a reliance on those who believe the executive branch is preeminent and its dictates obeyed by a compliant legislative branch.

Criticism of Murphy administration

Critics have complained that the administration has been hampered by a dictatorial mindset and that it brought problems on itself by wrangling with the Legislature over otherwise easily resolvable matters.

Legislative successes are nearly always the result of accommodations, compromises and pledges of future favors. Chits are the coin of the political realm and they are tracked as scrupulously as favorable press clippings.

The insights and instincts of the politically skilled are crucial to reconcile the irreconcilable, overcome the seemingly impossible, nudge the immovable and turn loss into gain.

A governor's office can be an exceedingly insular environment where sober perspective is often replaced by a magnified sense of self-importance. Occupying space at or near the levers of power can be intoxicating, especially for those who've not experienced anything quite like it before.

It is crucial that a few political graybeards be sprinkled throughout the top staff to explain the pitfalls of an inflated ego in interactions with legislators who, after all, hold the fate of the governor's agenda.

To be sure, legislators can be difficult, obstinate and unyielding at times, but responding with condescension and projecting an air of smug superiority are not very endearing qualities calculated to smooth over differences and achieve consensus.

The intricacies of policy development and scholarly debate are certainly valuable in efforts to build broad public support outside government, but it is the application of practical politics at its most fundamental that carries the policy over the finish line and into reality.

Purists may be offended by it, but realists understand it. The entire episode toward marijuana legalization would have benefited from the involvement of a few realists.

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