

Federalism Today: Medical Marijuana

1
2 Medical marijuana has been proven to be helpful in certain circumstances. The sale and
3 transporting of marijuana is illegal. The sale of marijuana should be legal because it does help,
4 although it shouldn't be sold to just anyone, it would have to be prescribed by a legal doctor. I
5 think that the legalization of marijuana should be something that a state decides, because not
6 every state is next to the border, where there are drugs involved. So the question is, "Some states
7 have decided to legalize the sale of marijuana under certain circumstances, while under federal
8 law the sale and transport of marijuana remains illegal. Who should have authority over this
9 issue?"

10 Federalism is a method of dividing up power in a country between the national, state, local
11 governments. For example, in the U.S. the federal or national government has certain powers, and the
12 state governments have others, just as local governments do. This is explained and laid out in the
13 Constitution. Something that helps us understand and define federalism better are the Amendments,
14 each taking a different role or law in which we all must follow.

15 There are certain issues pertaining to medical marijuana why it shouldn't be legal, for
16 example, "At the federal level, marijuana remains classified as a Schedule I substance under the
17 Controlled Substances Act, where Schedule I substances are considered to have a high potential
18 for dependency and no accepted medical use, making distribution of marijuana a federal offense.
19 In October of 2009, the Obama Administration sent a memo to federal prosecutors encouraging
20 them not to prosecute people who distribute marijuana for medical purposes in accordance with
21 state law."

22 "Some of the most common policy questions regarding medical marijuana include how to
23 regulate its recommendation, dispensing, and registration of approved patients. Some states and
24 localities without dispensary regulation are experiencing a boom in new businesses, in hopes of

1 being approved before presumably stricter regulations are made. Medical marijuana growers or
2 dispensaries are often called "caregivers" and may be limited to a certain number of plants or
3 products per patient. This issue may also be regulated on a local level, in addition to any state
4 regulation.”

5 There are twenty-two states that have passed laws about medical marijuana right now; there will
6 be twenty-three if New York's doesn't get vetoed. They are the following: "Alaska, Arizona,
7 California, Colorado, Connecticut, DC, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts,
8 Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode
9 Island, Vermont, and Washington."

10 The "Employment Division vs. Smith" case is about a pair of Native Americans who worked in
11 a drug rehab. "They ingested "peyote", which is a powerful hallucinogen", as a religious purpose. For
12 this they got fired because it was "misconduct" in their job, doing illegal drugs in a drug rehab. They
13 tried getting unemployment help, but failed due to their "misconduct" in work. The Supreme Court
14 thought it wasn't fair and took another look at it. They looked if it was breaking not government, but
15 state drug laws. The Supreme Court decided that they hadn't had any type of "misconduct" in their
16 job, which probably got them unemployment help.

17 Also, the "Gonzales v. Raich" case is about "California voters passing the Compassionate
18 Use Act, legalizing marijuana for medical use. California's law conflicted with the federal
19 Controlled Substances Act (CSA), which banned possession of marijuana. Then the Drug
20 Enforcement Administration (DEA) seized doctor-prescribed marijuana from a patient's home,"
21 which resulted in sue from a group of medical marijuana users against the DEA. "The district court
22 ruled against the group. The Ninth Circuit Court of Appeals reversed and ruled the CSA
23 unconstitutional as it applied to intrastate (within a state) medical marijuana use. Medical marijuana
24 did not "substantially affect" interstate commerce and therefore could not be regulated by Congress."

1 Therefore, the group of medical marijuana users won the case.

2 Another case was the case of “United States v Oakland Cannabis Buyers’ Coop.” Which was
3 about, "the Oakland Cannabis Buyers' Cooperative was organized to distribute marijuana to
4 qualified patients for medical purposes. In 1998, the United States sued to enjoin the Cooperative
5 and its executive director. The government argued that the Cooperative's activities violated the
6 Controlled Substances Act's prohibitions on distributing, manufacturing, and possessing with the
7 intent to distribute or manufacture a controlled substance. Although the District Court enjoined it,
8 the Cooperative continued to distribute marijuana. Rejecting the Cooperative's medical necessity
9 defense, the court found the Cooperative in contempt. On appeal, the Court of Appeals concluded
10 that the medical necessity defense was a legally cognizable defense. On remand from the Court of
11 Appeals, the District Court modified its injunction to incorporate a medical_necessity defense, under
12 which medically necessary distributions were to be permitted." This means that the United States
13 won against this Cooperative because it was breaking some laws. For example, the distributing of
14 marijuana, could become selling marijuana, and it might not be for medical reasons to all those
15 who were receiving it.

16 I think that federalism can keep changing because some people can try to find ways around
17 the laws to say that what they are doing isn't breaking a law. So these laws have to keep getting
18 updated and modified, because if not, marijuana could be legal all over the world, and not just for
19 medical reasons. Federalism is politics and politics is government, so federalism is a way of
20 government that has to keep things or laws in a precise way of making it safe for everyone, not just
21 certain individuals.

Works Cited

<http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>

<http://medicalmarijuana.procon.org/view.resource.php?resourceID=000881>

! "##\$%&' ()&! ' *\$\$*&+\$'), (\$-&. ' -/&O' (/&

&

&4" #019% #0/+#0' %	>' 9+%G&	H01+%G&	: " ((+1/' #C% 2" . /%/?+%d " #\$/7' () *+&
D#9' 10E' /0" 1F! =%* -#%-*&' ()4\$&')&. +\$,) \$' .)&' #'''* /''*\$&' () , - / /''*%&' ()&' 3''' 4\$%&' ' ')	G&	GUHI G&	. @\$&' ?8@''*&' #-&8" &\$W9#', (&, (&@,-V@\$*&' A (&A''*)-&A@; &7\$), = ' #&7' *,>?' (' &-@''?#)&("8&B\$&W\$%' #&\$6\$ (&@''?%&,&8&,-&' &-,% (,C,=' (8&9' *8&' C&8@\$&C,*-8&9' %\$3&&
	G&	I I &	Z (&9' %\$&I M&#,(\$&GF M&8@\$&' ?8@''*&' %', (&' CC\$*-&' &), *\$=8&N?' 8\$&' B" ?8&9" #,=; &,-?-\$-&' C&7\$), = ' #&7' *,>?' (' &' 8@\$*&8@' (&=,8,(%&-9\$=,C,=&\$W' 79#&\$-&' *&'&9?88,(%&,&8&,(8" &8@\$,*&' A (&A''*)-3&
	&	&	&
544. #' 4CF% I %&+ ' . &' ()%'' . +%&\$&0;) (*\$4 4\$*); /,+00&' (;) #'' 7+ ' %&' ' ;)#88\$%&' ' ; ;) \$' .)3''' 4\$%&' () %	G&	F&	4\$ (8\$ (= \$&= " (8', (-&8A" &), -8, (=8&9' *8-M&A@,=@&(\$\$) &8" &B\$&89***9\$*#; &= " 7B, (\$)&' *&- \$9' *' 8\$) &, (8" &8A" &- \$ (8\$ (= \$-3&&
	G&	[&	. @\$&' ?8@''*&' #-&8" &' ?-\$&=#'' -, (%&N?' 8' 8, " (&7' * /-&' () &) "\$-\$-& ("8&=,8\$&N?' 8\$3&
	G&	GUHI G&	. @\$&' ?8@''*&' ?-\$-&\$W8\$ (-,6\$&N?' 8\$&A,8@'' ?8&9***9\$*&C''*7' 88,(%&' *&=,8' 8, " (3&
	GHI &	I GHF&	. @\$&' ?8@''*&' ?-\$-&\$W8\$ (-,6\$&N?' 8\$&A,8@'' ?8&9***9\$*&C''*7' 88,(%&' *&=,8' 8, " (3&
	I &	UH[&	J ''*/&- ' 79#&\$&, (= #?) \$-&N?' 8\$-&' &#,-8&' C&-8' 8\$-&8@' 8&@' 6\$&W\$%' #,K\$) &7\$), = ' #&7' *,>?' (' &B?8&C' #-&8" &'&9***6,) \$&' (&, (H8\$W8&=,8' 8, " (3&
I &	GX&	. @\$&-9' =&B\$8A\$ (\$O' &B" ?8P&-@''?#) &B\$&' \$7" 6\$) 3&	

&

!