



## LANDMARK SUPREME COURT CASES AND THE CONSTITUTION

### *GONZALES V. RAICH (2004)*

MONDAY, FEBRUARY 25, 2008

#### OVERVIEW

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This month we spotlight the landmark federalism case *Gonzalez v. Raich* (2004). In this case, a California law legalizing marijuana for medical use was invalidated by a federal law which banned possession of marijuana. Was the federal law a constitutional exercise of Congress's power under the Commerce Clause?

#### RESOURCES

- <http://citizenbee.org/user/StudentGuide.aspx?id=765>
- <http://citizenbee.org/user/StudentGuide.aspx?id=804>
- <http://citizenbee.org/user/StudentGuide.aspx?id=781>
- <http://www.law.cornell.edu/supct/html/03-1454.ZS.html>
- [http://www.oyez.org/cases/2000-2009/2004/2004\\_03\\_1454/](http://www.oyez.org/cases/2000-2009/2004/2004_03_1454/)

#### ACTIVITY

California voters passed the Compassionate Use Act in 1996. This law made California the ninth state to legalize marijuana for medical use. It became legal for “seriously ill” people to possess or grow a small amount of marijuana with the recommendation of a doctor. Angel Raich was a California resident. She had an inoperable brain tumor, nausea, and other disabling disorders. Marijuana eased her symptoms. Raich’s doctor testified that stopping the marijuana would cause Raich “excruciating pain and could very well prove fatal.”

Raich was able to use marijuana under the California law. However, a federal law conflicted with the state law. The federal 1970 Controlled Substances Act—among many other regulations—banned possession of marijuana. This law was passed under Congress’s authority under the Commerce Clause. In Article I, Section 8 of the Constitution, the Commerce Clause gives Congress the power to “To regulate commerce...among the several states...”

Raich and several other seriously ill residents of California challenged the constitutionality of this part of the federal Controlled Substances Act. They claimed that growing marijuana for personal, medical use was not related to interstate commerce and therefore Congress had no authority to ban it. Further, they argued that the Tenth Amendment said states kept the power to make laws about drug use. The Tenth Amendment states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

The case eventually went to the Supreme Court. The Court upheld the Controlled Substances Act, and invalidated the California law. The Court reasoned, “The exemption for cultivation by patients and caregivers can only increase the supply of marijuana in the California market.” Therefore, the Court argued, the “aggregate impact on the national market” would be “substantial,” and within Congress’s power to regulate.

#### QUESTIONS

1. What was the Compassionate Use Act of 1996?
2. Why was this law in conflict with the federal 1970 Controlled Substances Act?
3. Why did Raich believe a portion of the Controlled Substances Act was unconstitutional?
4. In his dissent Justice Thomas argued that “Respondents Diane Monson and Angel Raich use marijuana that has never been bought or sold, that has never crossed state lines, and that has had no demonstrable effect on the national market for marijuana. If Congress can regulate this under the Commerce Clause, then it can regulate virtually anything....” Do you agree? Why or why not?
5. Do you believe the Court decided this case correctly? Why or why not?



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### ANSWERS

1. This California law permitted the possession and growing of small amounts of marijuana for personal, medical use.
2. The federal Controlled Substances Act (in part) banned possession of marijuana.
3. She believed Congress had exceeded its authority under the Commerce Clause, and that states retained the power to regulate drugs.
4. Answers will vary. Some students will agree with Thomas, arguing that the connection to interstate commerce in this case was weak, if present at all. They may see the opportunity to link any personal activity to a claimed effect on interstate commerce, potentially giving Congress the power to regulate anything at all. Others will disagree, arguing that allowing a state to increase the supply of a good will inevitably have an effect on interstate markets for that good.
5. Answers will vary.