

JANUARY 2015

UNITED STATES SUPREME COURT DECISION

Gonzalez v. Raich, 545 U.S. 1; 125 S Ct 2195; 162 L Ed 2d 1 (2005):

Issue: Can Congress criminalize the production and use of homegrown cannabis even where states approve its use for medicinal purposes?

Holding: Yes, the court held that the Commerce Clause gives Congress the authority to prohibit the local cultivation and use of Marijuana contrary to state law.

The United States Supreme Court ruled that under the Commerce Clause of the United States Constitution, the United States Congress may criminalize the production and use of home-grown cannabis even where states approve its use for medicinal purposes. In a 6-3 opinion delivered by Justice John Paul Stevens, the Court held that the commerce clause gave Congress authority to prohibit the local cultivation and use of marijuana, despite state law to the contrary. Stevens believed that the Court's precedent "firmly established" Congress' commerce clause power to regulate purely local activities that are part of a "class of activities" with a substantial effect on interstate commerce.

The majority ruled that Congress could ban local marijuana use because it was part of such a "class of activities": the national marijuana market. Local use affected supply and demand in the national marijuana market, making the regulation of intrastate use "essential" to regulating the drug's national market. The majority distinguished the case from *United States v. Alfonso Lopez, Jr.*, 514 U.S. 549 (1995) and *United States v. Morrison*, 529 U.S. 598 (2000). In those cases, statutes regulated non-economic activity and fell entirely outside Congress' commerce power. In this case, the Court was asked to strike down a particular application of a valid statutory scheme.