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Law and International Law

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Gonzales v. Raich- Case Brief

Gonzales v. Raich is entitled as ALBERTO GONZALES (Attorney General), et al. V. ANGEL McClary Raich (Petitioners), with case number 03- 1454. This case was file in the Supreme Court of United States. Before the formal filing in the Supreme Court, the case was known as Ashcroft v. Raich. Facts suggest that the respondents were growing and consuming cannabis. It also referred toward the fact that the respondents were consuming Marijuana for medical purposes. These activities (growth and consumption) were ratified by the state government of California (Barnett). On another side, the Act related to control substance of the federal government seized the medicines made from the Marijuana plant. The respondent posted their claim on the basis that the confiscation was against the commerce clause. They further claimed that the ‘due process clause’ of the fifth, ninth and tenth amendment had been violated by the federal government.

The respondent further claimed that ‘control substance act’ has violated the medical necessity conditions. They diverted the attention toward the fact that in the state of California, it is permissible to use marijuana for medical purposes. If the prescription of Marijuana has been denied to patients, they might face an extremely critical condition. In light of such clauses, Angel Raich and her other companion, from the medical field, sued the federal government, since they considered that federal government had hindered in their endeavours of using marijuana for medical purposes (Mangan). They made the claim that federal government has seriously violated the constitutional laws since they are permitted to use Marijuana in the premises of California. They also substantiated their claim on the basis that they have not imported Marijuana for medical reason from any other state, rather they have obtained that within from within the states of California (Mangan).

Contrary to their claims, the federal government representative claimed that the ‘control substance act’ does not allow by any means, the use of Marijuana, and nor even for medical reasons. They even directed that the state of California should cease in Marijuana, since it provides a pretext to other states to use Marijuana, at least for the medical purposes. Their claim was not based on the ploy that the United States federal law permits the exemption of using marijuana (for any purpose), rather there is a general rule that the constitution does not permit the policing powers to the federal government (Somin). The federal authorities also stated that they have some exemption in using commerce clauses, in terms of power and authority. The history of commerce suggests that the federal government have consumed very little powers in line with the commerce clause (Somin).

In light of the facts presented by the respondents and the defense, the Supreme Court of United States suggested that Raich and her friends have not violated any clause of the United States constitution. It further mentioned that since, the state laws, where they live in permits the use of California, therefore, by no means they have violated the state law, federal law or any clause of the Commerce law. Justice Connor, however considered it unlawful to grow marijuana in residential or public premises and use them for medical purposes. Contrary to Justice Connor, Justice Clarence Thomas filed a dissent note mentioning that since the respondents have not used marijuana for the marketing or commerce purpose, therefore they cannot be held liable as violating any public or constitutional norm (Somin).

In view of the facts presented above, I believe that since Raich and her friends were not proved guilty of any violation, and the Supreme Court has decided it on the constitutional grounds, therefore this case was decided correctly. Since both sides have provided ample evidence in their favour.

# Works Cited:

Barnett, Randy E. “Limiting Raich.” *Lewis & Clark L. Rev.*, vol. 9, 2005, p. 743.

Mangan, David C. “Gonzales v. Raich: The States as Laboratories Principle of Federalism Supports Prolonging California’s Experiment.” . *. Louis ULJ*, vol. 51, 2006, p. 521.

Somin, Ilya. “Gonzales v. Raich; Federalism as a Casualty of the War on Drugs.” *Cornell JL & Pub. Pol’y*, vol. 15, 2005, p. 507.