TOPIC: The Supremacy Clause: The Defense of Marriage Act and Marijuana Legalization

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Constitution Day 2014 Lesson Plan
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Lesson Plan Teacher Introduction

The purpose of the 2014 Constitution Day Lesson is for students to understand the interconnection between state and federal laws and issues that arise when a state law and federal law overlap on a specific issue. The lesson will provide an in-depth description of the Supremacy Clause of the United States which explains how federal law is superior to state law, and will then explore this concept through the use of two modern day examples: The Defense of Marriage Act (DOMA) and marijuana policy.
TEACHER’S GUIDE to the Supremacy Clause Lesson

Note: Students should already be familiar with the U.S. Constitution, the Bill of Rights, and the difference between the federal and state government before beginning this lesson plan.

Introduction
This section of the 2014 Constitution Day Lesson Plan will provide an in-depth description of the Supremacy Clause of the United States that sets forth the proposition that federal law is superior to state law. The Supremacy Clause makes invalid any law passed by a State government that conflicts with a federal law. In other words, federal law is "supreme" over state law.

The Supremacy clause is important because it establishes that the Constitution and federal law are the absolute law of last resort in the United States. By that, it means that if there is a conflict between state law and the Constitution or a federal law, the Constitution and federal law will trump the state law. Essentially, no state or locality can pass a law that prohibits something expressly allowed by the Constitution or Federal law, nor may a state or locality allow something expressly forbidden by the Constitution or Federal law.

Materials (1 per student)
- Text of the Supremacy Clause Worksheet
- The Supremacy Clause in Our Own Words Worksheet
- Background of the Supremacy Clause

Objectives
- Help students feel comfortable with the language of the Supremacy Clause and understand how it affects state and federal laws especially when they are in conflict.
- Give students a background understanding of the “federal preemption.”

Classroom Procedure

Introductory discussion
- Have students read the Supremacy Clause and the vocabulary definitions out loud.
- Ask students the following questions (could also be modified and done as a “Do Now” turned in for credit):
  - What is the difference between the federal government and a state government?
  - Are the state laws passed in one state binding on a person living in a different state?
  - Are the federal laws passed through US Congress binding on a person living in any one of the states in the US?
  - Are the provisions of the Constitution binding on a person living in any one of the states in the US?
  - Do you think a state should be allowed to pass a law that conflicts with provisions of the US Constitution? Why or Why not?
Put the Supremacy Clause in your own words

☐ Pass out the Supremacy Clause worksheet to each student. The students should read the Clause and consider each of the questions on the Supremacy Clause worksheet. All students should then write the plain language definition on their worksheet.

☐ Split the students into two groups. Have students talk in their groups about what the clause means. As a group, the students should explain the clause in a simple way so that someone much younger (about four or five grades below them) could understand what it means.

☐ Have a recorder write a plain language definition of their group’s clause on the board. Have a reporter read the definition to the class and explain how the group came to that definition.

Closing Discussion

☐ Have the students read the Background of the Supremacy Clause worksheet. (Use whatever reading style is best for your students. For example: popcorn reading, group reading, cold calling students, etc.)

☐ Ask the Students:
  o The clause states that one way to avoid conflict is to give each government exclusive jurisdiction over a respective sphere for example criminal law. Do you think this would work? Why or why not? (Most students will say no, that it won’t work because some overlap between state law and federal law is inevitable.)

☐ Explain that the Supremacy Clause represents the Framers’ vision that the United States needed a strong but limited federal government.
  o Ask: How does the Supremacy Clause both give the federal government power and limit how that power can be used? (Sample answer: The Supremacy Clause gives the Constitution supreme authority over state laws, but the Constitution allocates power to the executive, the legislature, and the courts in such a way that it ultimately rests on the will of the people, who may in turn amend the document.)

☐ Why would the framers insist that even the most insignificant federal regulations should trump the most important of state constitutional provisions? (Sample answer: Because there needs to be uniformity within the clause. If they pick and chose which federal regulations will trump, the list would be every changing. Also when a new federal law would be created not only would the legislature have to decide on the wording and impact of they law they would also have to decide if it should trump state law as well. Having the clause apply to all laws allows for uniformity, clarity, and simplicity.

Exit Ticket / Homework:

☐ Ask students the following questions:
  o Would State Legislatures or Congress be better able to pass laws that address local state issues? Why?
  o Would State Legislatures or Congress be better able to pass laws that address national issues—like border security? Why?
If a state disagrees about how a national issue is handled by Congress and they hold a minority viewpoint (meaning that the majority of other states agree with the way Congress handled the issue), what should they do? What if Congress’s decision harms that state’s citizens and goes against their closely held beliefs?
The Supremacy Clause

“This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.”
U.S. Const. article VI, clause II.

Vocabulary

Pursuance: The carrying out of a plan or action.

Thereof: Of the thing just mentioned; of that

Treaties: A formal agreement between two or more states

Thereby: By that means; as a result of that

Notwithstanding: in spite of; without being opposed or prevented by.

Activity

Questions to Consider:

Based on your reading of the Supremacy Clause, what does it mean to be the “supreme law of the land”?

Who does the Supremacy Clause apply to? Does it apply to individual citizens or does it apply to government bodies/actors?

What does “judges in every state shall be bound thereby” mean?

How does this clause affect state governments?

According to the clause, what should happen if a state law is in conflict with a federal law?
THE SUPREMACY CLAUSE IN OUR OWN WORDS

Fill in the sheet with the definitions created by each group starting with the definition from the clause.

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Background of the Supremacy Clause

The Supremacy Clause clarifies that above all else—above state law, federal laws, and the state constitutions—is the Constitution of the United States. The clause applies to all legal interpreters including Members of Congress, the President, federal officials, federal judges, state court judges, and other state and local officials. While both federal and state governments have power to enact laws, there must be a mechanism to determine which law applies in the event of a conflict. Under the Supremacy Clause, national laws, as long as they are constitutional, take priority over any state laws that conflict with the national law. This clause is not a grant of power; it specifies how to resolve conflicts.

At the Constitutional Convention, James Madison proposed congressional power to veto state laws. However, the Convention repeatedly rejected proposals for a federal veto power over state laws, seeking to reduce conflict between state and federal governments. The Convention accepted the Supremacy Clause in its final form without much opposition.

The Supremacy Clause’s historical context and text still leave several questions unanswered. For example, what is a conflict? Generally, federal law "preempts" state law when Congress enacts legislation that is intended to "occupy the field" on a certain issue. When the federal law “occupies the field” it becomes the final word on that issue and leaves no room for state law. Additionally, a conflict can result when it is impossible to comply with both a state law and a federal law or when a state law obstructs compliance with federal law. However, the Court has noted that federal law does not preempt state law unless Congress clearly intends that the federal law do so.

The Supremacy Clause is often seen as the source of the principle that states cannot regulate or control federal activities. In the US Supreme Court case *McCulloch v. Maryland* (1819), Chief Justice John Marshall declared that supremacy allowed the federal government to "remove all obstacles to its action within its own sphere, and so to modify every power vested in subordinate governments, as to exempt its own operations from their influence." Since federal law is the “supreme law of the land”, in order for states to impose laws that are contrary to federal law, the federal law must be repealed. Throughout history, states and citizens have come together to change federal laws so that states can create their own regulations according to the wants and needs of its citizens.
TEACHER’S GUIDE to DOMA

Note: This lesson addresses the sensitive topic of LGBT rights and same-sex marriage. Teachers should use their discretion to prepare students for the subject matter.

Materials (1 per student except teacher copy)

- TEACHER’S GUIDE to DOMA Lesson
- What is DOMA? Handout
- Dictionaries
- What does it mean?! Matching Activity
- What does it mean?! Answer sheet
- *Between the Lines of the Defense of Marriage Act* NY Times Article
- Let’s Break it Down worksheet
- Let’s Break it Down [TEACHER’S COPY]
- Same-Sex Marriage Statistics Handout
- Same-Sex Marriage Statistics TEACHERS COPY

Objectives

- Familiarize students with arguments surrounding DOMA in the U.S.
- Have students reflect on their views of the issue.
- Illustrate the role of the Supremacy Clause in a contemporary legal and political issue.

Classroom Procedure

Introductory discussion

- Facilitate a discussion about federal versus state government regulation. Sample topics:
  - Write the definition of federalism on the board: A *system of government under which power and authority over its citizens is allocated between a central authority (Federal Government) and local subdivision authority (States)*.
    - Consider analogizing the rules that apply in your classroom compared with the rules that are school wide.
    - Explain that this is the structure of US government
  - Based on your reading of this definition, does the US Constitution and laws of the federal government account for all of the laws you must follow?
    - Does the federal government establish what time your local park opens? What time restaurants should close?
      - What governmental body is issuing these laws?
    - Why might the state and not the federal government better equipped to address these local issues?
  - Since the state has the power over local issues, is it free to pass a law saying “people may not speak out against any state representatives?”
• What areas of federal law have you learned about that will prevent the state from passing such a law?
  ○ What is the reason behind governments regulating our behavior in relation to one another at all?

**Individual Work**

☐ Pass out the What is DOMA? Handout and have the students read the handout individually or as a class.
  ○ You can also read the passage aloud to the class or put it on a projector.
☐ How does this law seem to relate to the earlier discussion?
  ○ What is the state law at issue?
  ○ What is the federal law at issue?
  ○ What legal issue did the U.S. Supreme Court decide on June 26, 2014?
☐ Before reading excerpts from the decision, move to the vocabulary activity so the decision can be understood by the students.

**Vocabulary Matching Activity**

☐ Divide your class into groups of three. This can be a smaller or larger group depending on the size of your class.
☐ Pass out one dictionary per group and one What does it mean?! Matching Activity to each student.
☐ The students must then look up the words and match them with the correct definition as a group.
☐ There can be one designated person who looks up the words or the group can rotate who looks up the word.
☐ Tip: Make this a competition! The first group to match all the words correctly wins!

**Read news article**

☐ Pass out and read the *Between the Lines of the Defense of Marriage Act* article as a class.
☐ Discussion using the “Let’s Break it Down” worksheet:
  ○ What was the holding of the case?
  ○ What are the majority’s arguments? What are the dissent’s arguments?
  ○ What does this decision mean for the states?
  ○ How is this decision connected to the Supremacy Clause?

**Same-sex Marriage Statistics: True/False**

☐ Pass out the Same-sex Marriage Statistics Handout. Read each statistic as a class and then ask whether students think the statistic is true or false. Then read the description from the Teacher Copy under each statistic.
Tip: First have the students who think the statistic is true raise their hands then as the students who think the statistic is false raise their hands. Keep tallies on the board.

- You could also have some students describe why they chose true or false to facilitate a discussion.

**Reflection**

- Ask each student to reflect on the day’s discussion and either write a paragraph or draw a picture stating/depicting their feelings towards the DOMA holding.
**What is DOMA?**

The Defense of Marriage Act (DOMA) was signed into law under President Bill Clinton on September 21, 1996. Section 3 of this law prohibited same-sex couples that were legally married under their state’s law from claiming the protections and responsibilities granted under federal law to married couples. These protection and responsibilities include things such as immigration rights, family and medical leave, and the ability to combine resources as a family without unfair taxation.

In February 2011, the Obama Administration instructed the Department of Justice to stop defending DOMA in court and called for heightened scrutiny in federal lawsuits. In response to the Obama administration’s decision, United States Speaker of the House of Representatives, John Boehner, convened the Bipartisan Legal Advisory Group (BLAG). Speaker Boehner then asked that BLAG direct the lawyers for the House of Representatives to defend DOMA’s position against same-sex couples’ access to benefits in place of the Department of Justice.

On June 26, 2014 the United States Supreme Court ruled on whether Section 3 of DOMA was unconstitutional.
What Does It Mean?!  
DOMA Decision Vocabulary

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<td>1.</td>
<td>______ overturned</td>
<td>A. to speak of or treat slightingly; depreciate; belittle:</td>
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<td>2.</td>
<td>______ dignity</td>
<td>B. to twist awry or out of shape; make crooked or deformed: misrepresent</td>
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<td>3.</td>
<td>______ conferred</td>
<td>C. to turn over on its side, face, or back; upset:</td>
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<td>4.</td>
<td>______ fundamentally</td>
<td>D. serving as, or being an essential part of, a foundation or basis; basic; underlying:</td>
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<td>5.</td>
<td>______ imposes</td>
<td>E. to imitate poorly or feebly; travesty</td>
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<td>6.</td>
<td>______ disparage</td>
<td>F. according to law; lawful:</td>
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<td>7.</td>
<td>______ dignified</td>
<td>G. full confidence; freedom from doubt; certainty:</td>
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<td>8.</td>
<td>______ legitimate</td>
<td>H. nobility or elevation of character; worthiness:</td>
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<td>9.</td>
<td>______ evocation</td>
<td>I. to consult together; compare opinions; carry on a discussion or deliberation.</td>
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<td>10.</td>
<td>______ assurance</td>
<td>J. to call up or produce (memories, feelings, etc.):</td>
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<td>11.</td>
<td>______ distortion</td>
<td>K. to put or set by or as if by authority:</td>
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<td>12.</td>
<td>______ parody</td>
<td>L. characterized or marked by dignity of aspect or manner; stately; decorous:</td>
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What Does It Mean?! [Answer Sheet]

DOMA Decision Vocabulary

1. C
2. H
3. I
4. D
5. K
6. A
7. L
8. F
9. J
10. G
11. B
12. E
Let’s Break It Down!

Instructions: Answer the below questions using the “Guide to the Supreme Court Decision on the Defense of Marriage Act (DOMA)” article. There will be fill in the blank questions, questions that requires full sentence answers from the article, and opinion questions.

1. Who wrote the majority opinion? Who joined the majority opinion?
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________

2. Is this decision based on federalism (our system of government that is divided between a one central federal governmental body and state governments as political subparts)? Why or why not?
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________

3. When a state decides to grant the right to __________, Justice Kennedy wrote, it is dealing fundamentally with issues of __________ and "__________" -- a word that appears many times in the majority opinion.
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________

4. What was the holding of the case?
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
   __________________________________________
5. What does Scalia’s dissenting opinion state?
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__________________________________________________________________
__________________________________________________________________
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__________________________________________________________________
__________________________________________________________________

6. Alito’s dissenting opinion states: “[T]hat these questions should be decided by the ____________________________ of government and not by the__________________________. He wrote that the act did not violate the __________ Amendment, and that he would have let the decision of Congress in 1996 stand.

7. What does this decision mean for the states? How is this decision connected to the Supremacy Clause?
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Let’s Break It Down! (TEACHER’S COPY)

Instructions: Answer the below questions using the “Guide to the Supreme Court Decision on the Defense of Marriage Act (DOMA)” article. There will be fill in the blank questions, questions that requires full sentence answers from the article, and opinion questions.

1. Who wrote the majority opinion? Who joined the majority opinion? Justice Anthony M. Kennedy, writing the majority opinion and joined by Justices Ruth Bader Ginsburg, Stephen G. Breyer, Sonia Sotomayor and Elena Kagan, framed the question as one of basic fairness and human dignity.

2. Is this decision based on federalism? Why or why not? Justice Kennedy writes that the Defense of Marriage Act violates the principles of federalism, which allow states to largely chart their own course. But he said that the case need not be decided on grounds of federalism.

3. When a state decides to grant the right to _____MARRY_____, Justice Kennedy wrote, it is dealing fundamentally with issues of ____HUMAN____ RIGHTS_____ and "____DIGNITY_______" -- a word that appears many times in the majority opinion.

4. What was the holding of the case? In closing, Justice Kennedy says that the Defense of Marriage Act must fail because it denies same-sex couples the dignity that the states intended them to have and sets them apart in a way that violates the due process and equal protection principles guaranteed under the Constitution.

5. What does Scalia’s dissenting opinion state? Justice Scalia writes that the majority's evocation of "personhood and dignity" for same-sex couples will wreak havoc in the state legislatures as litigants line up to challenge their laws in court.

6. Alito’s dissenting opinion states: “[T] hat these questions should be decided by the ______POLITICAL_________ BRANCH_________ of government and not by the_____JUDICIARY____________. He wrote
that the act did not violate the ____FIFTH_______Amendment, and that he would have let the decision of Congress in 1996 stand.

7. What does this decision mean for the states? How is this decision connected to the Supremacy Clause? This decision means that the states can now make their own laws relating to this subject. As per the Supremacy Clause, since there is no longer a federal law that is supreme the states can make their own decisions regarding how they will treat same-sex marriage.
Statistics on Same-Sex Marriage: True or False

Instructions: Read each statement. Decide whether you believe the statement is true or false. Mark a T for true and an F for false in the space provided.

1. _____ About 5% of Americans identify as lesbian, same-sex, bisexual or transgender.

2. _____ In 2004, same-sex marriage became legal in the first U.S. state.

3. _____ As of May 2014, same-sex marriage has been legalized in the majority of states.

4. _____ There are currently over 70,000 same-sex marriages in the United States.

5. _____ Americans believe that many anti-discrimination protections are in place to protect against discrimination against the LGBT community.
Statistics on Same-Sex Marriage: True or False [Teacher’s Copy]

1. About 5% of Americans identify as lesbian, same-sex, bisexual or transgender: True. Of the 4,509 Americans they polled in November and December, 5.1% self-identified as LGBT. The American public, the editors’ note, overestimates the size of that population, with median estimates at 20%.


4. There are currently more than 70,000 same-sex marriages in the United States: True. The Census Bureau’s latest estimate for same-sex marriages is about 168,000 couples. But here's one problem with the census number: Not all of those couples are legally married. The bureau ultimately relies on self-reporting, which, of course, doesn't always match with a couple's legal status. So if you can't rely on the Census Bureau for exact numbers, why not just count the number of marriage certificates that have been issued to same-sex couples in the U.S.? The New York Times recently attempted that method and came up with "at least" 82,500 couples, noting: "The quality of record-keeping varies: some states rely on estimates, while others keep more detailed records."

5. Americans incorrectly believe that many anti-discrimination protections are in place: True. 75% of respondents said they believed that there was a federal law prohibiting discrimination against LGBT people, which there is not. The majority of states also lack anti-discrimination protection based on sexual orientation or gender identity. Proponents of such laws say that the widespread belief that the measures already exist makes it hard to build political momentum.
TEACHER’S GUIDE to School Policy Role-play Activity

Materials (1 per student unless otherwise indicated)

- Legalization of Marijuana Handout
- Role Cards (cut out from original sheet)
- What do I Want? Worksheet
- State Coalition Instructions (1 per group)
- Venn Diagram (1 each per group)
- Final Policy Sheets (1 per group)

Objectives

- Help students contextualize the marijuana legalization issue.
- Encourage students to apply their understanding of the Supremacy Clause and marijuana legalization policy to a role-playing scenario.
- Have students experiment with consensus building to give them some perspective on how difficult it is for real-life lawmakers to address this contentious issue.

Classroom Procedure

Role Play Activity

- In this activity, each student will be assigned a role and will complete this activity in character. The roles present conflicting viewpoints on the issue of state legalization of marijuana. Students will get into groups and negotiate with each other to create a state policy that addresses these issues.
- Split the class into groups, but have students remain where they are for now. The number and size of groups will vary depending on the size of your class.
- Pass out the fictional article and read as a class.
- Pass out role-play cards to each student. Make sure you do not pass out the same role to two students in the same group. Before the groups assemble and begin negotiations, have each student work independently to fill out the “What do I Want?” worksheet. Students will read their role and reflect on what they want to see in the new state policy.
- Once students finish filling out the “What do I Want?” worksheet, have them form their groups and work together to draft the policy. Pass out the Marijuana Legalization Worksheet, the Venn Diagram Sheet, the State Coalition Instructions and the Final State Policy write up sheets.
- The group members will have to decide how they want to go about negotiating. Groups may want to designate an item as the talking item and only the person holding the talking item may speak, or they may want take turns presenting their opinions in a circle. Students are responsible for the manner in which their group functions. Remind students that a more orderly process will likely result in better consensus building as all members will feel that their opinion has been heard.
☐ Students should use the Marijuana Legalization sheet to help spark ideas about how they want their policy to look. They are not required to use any of the examples and are encouraged to come up with unique policies that fit this scenario.

☐ Students should use the Venn diagrams to help organize their thoughts and decide on a policy that all members can agree upon.

☐ Each group will turn in one copy of the final state policies write up. Each student should turn in their “What do I Want?” worksheet.

Role-Play Debrief

☐ How hard was it to come to a consensus?
☐ Who lost the most in the negotiations? Why?
☐ What were you totally unwilling to give up?
☐ What were some of the restriction policies you considered?
☐ Would a policy like this work in real life?

Exit Ticket/Homework

☐ Students should write a one-page response to the following questions/suggestions:
  o The state policy that the class decided based on the input of all the groups reflects the way that this unique community feels about marijuana legalization. What are some reasons why other communities might come up with a different policy?
  o If some states legalize marijuana use and others outlaw it, is that unfair? Why or why not?
  o Should the federal government try to make the laws about marijuana use consistent across the country? How would it help people if there was a consistent law about medical marijuana use? How might it harm them?
  o Should the federal government spend its resources to prosecute people in states that have legalized marijuana?
The Legalization of Marijuana

As part of a larger scheme to regulate drugs and other controlled substances, federal law prohibits the cultivation, distribution, and possession of marijuana. No exception is made for marijuana used in the course of a recommended medical treatment. Indeed, by categorizing marijuana as a Schedule I drug under the Controlled Substances Act (CSA), the federal government has concluded that marijuana has “no currently accepted medical use in treatment in the United States.”

Forty-eight states and the District of Columbia have criminalized the recreational use of marijuana. However, beginning with California in 1996, a growing number of states have decriminalized the use of marijuana for medicinal purposes or exempted qualified users from sanctions imposed under state law. Today, 18 states and the District of Columbia have enacted provisions that, in various ways, exempt qualified individuals from state criminal prosecution and various state civil penalties for marijuana-related offenses. In addition, Colorado and Washington recently became the first states to legalize, regulate, and tax small amounts of marijuana for non-medical (“recreational”) use by individuals over the age of 21.

Although these laws vary widely in their approaches to medical marijuana, there are a number of common characteristics that appear to adhere to these laws. First, in order for an individual to legally use medical marijuana, the drug must have been recommended by a physician for use in treating a diagnosed medical condition. Additionally, all states but California limit the quantity of marijuana that a patient may possess at any one time, and most states have laws limiting the manner and place in which a qualified individual can use the drug. Some states permit users to grow their own marijuana, while others license third-party private persons or entities to cultivate and distribute the drug.

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In contrast to the complete federal prohibition, these 19 jurisdictions see medicinal value in marijuana and permit the drug’s use under certain circumstances. Such inconsistencies in federal and state law would generally evoke the constitutional principle of preemption—potentially resulting in a conclusion that because the states permit conduct that the federal government has expressly prohibited, such laws are void as in conflict with the “supreme law of the land.” Under the Supremacy Clause, state laws that conflict with federal law are generally preempted and therefore void and without effect. This, however, has not been the case. State laws that exempt from state criminal sanctions the cultivation, distribution, or possession of marijuana for medical purposes have generally not been preempted by federal law. States thus remain free to pass laws relating to marijuana, or any other controlled substance, so long as they do not create a “positive conflict” with federal law, such that the two laws “cannot consistently stand together.”

This unique interplay between state and federal law has led to a seemingly inconsistent situation in which both the federal criminal prohibition on marijuana and state medical marijuana exemptions coexist. Accordingly, a resident of California who uses marijuana for medical purposes in compliance with California law is nonetheless simultaneously in violation of federal law and potentially subject to prosecution by federal authorities. Such prosecutions, however, are relatively rare. The federal government has limited resources to draw upon in investigating and enforcing federal drug laws. As a consequence, the Obama Administration has formally suggested that it will not prosecute individuals who use medicinal marijuana in a manner consistent with state laws.
A significant minority favor legalization, not because they think that smoking marijuana is an affirmative good, but because they doubt the ability of law to enforce a prohibition against it.

—E.J. Dionne and William Galston
James Long

Your 16 year-old son was a star student and had a bright future ahead of him. He has been on the dean’s list for the past few years and was a member of the basketball team. A few months ago you noticed a change in your son - he was becoming lazy and unmotivated. One night you caught him smoking marijuana with his friends. He promised to stop but didn’t and is ruining his life. His grades have slipped, he is not long a starter on the team, and he has been skipping school to smoke with his friends. You believe marijuana caused this change in your son and could harm the futures of other children.

Jenna Williams

You are a junior at Forest High School. You have been smoking marijuana with your friends for the past few years occasionally and don’t see anything wrong with it. It has not negatively affected your life in any way and has actually been a stress relief for you. It has also helped you form new friendships and be a more open person. You believe that people should be able to make whatever choices they want in life.

Alex Martinez

You are 23 years old and were diagnosed with leukemia (blood cancer) four years ago. This news ruined your life and you eventually dropped out of college because of the pain and depression. Recently your doctor suggested taking medical marijuana to relieve some of the pain. You decided to try it out and are so happy you did. The marijuana has truly helped cope with the pain and depression and you are even considering going back to college. You believe that medical marijuana is an excellent source of therapy and would like others to be able to benefit it.
Cindy Tanaka
You just graduated from District High School. You were recently at your college orientation when you saw a protest for the legalization of marijuana on campus. You were interested in the topic and decided to do some research. You read an article that described the current legalization of marijuana. You are unsure how you feel about this. You have never smoked marijuana, but your best friend in high school did. You don’t really have a stance on the issue, but you are uncomfortable when people smoke around you because of the smell and are unsure how legalization will affect you.

Monika King
You are a teacher at Columbia High School. You husband was recently convicted of sale and possession of marijuana and is currently serving three years in jail. You are very worried about how you are going to afford taking care of your children without him. You have always believed and experienced as a teacher that marijuana is a gateway drug and leads children down the wrong path. You hate the idea of this drug ruining anymore lives and hope that it is not legalized.

Andy Douglas
You were chosen by the mayor to be a mediator during the group negotiations. You must keep people on track during the negotiations and make sure everyone in the group gets a chance to share their opinion on whether local schools should have armed guards on campus and what type of school discipline policy the schools should implement. You must encourage people to compromise and remind people that everyone is going to have to give up something in order to create a policy that works for everyone. You must also write down what is happening during the whole process so that you can report back on how the negotiations progressed.
WHAT DO I WANT?

You are about to join your group and work with them to create a state policy that everyone can agree on. Before you start negotiating, you have to know what you want. Fill in this worksheet below so that you are ready to tell the group what exactly you want in the state policy. You will probably have to give up on some of your demands just as the rest of your group members will. Your role card won’t answer every question on this sheet; try to imagine how you would feel about these issues based on your role. Remember: you are answering the questions from the perspective of the role you’re playing, not your personal opinion.

How have you been affected by marijuana?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

What is your stance on the legalization of marijuana?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

What is one thing that you absolutely need in the state policy?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

What would you be willing to give up during the negotiations?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
What other opinions do you think people will have? What type of opinion would you disagree
with most?

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________
STATE COALITION TO ADDRESS THE LEGALIZATION OF MARIJUANA

Instructions

The members of the State Coalition to Address the Legalization of Marijuana come from different backgrounds and have different experiences. Together, you must create a state policy that will apply to all of the citizens of your state. You should use the Legalization of Marijuana handout and the Venn diagram to help you in your process.

Your policy must address two big issues:

1. Should we legalize marijuana in our state?
   You must balance the pros and cons of having marijuana be legalized.

2. If so, should there be any restrictions?
   When thinking about restrictions, think about what types of restrictions will be most effective at creating safety and security in the state.
   Also consider what types of restrictions the citizens will benefit from most.

To help organize all of the thoughts and opinions that group members share, use the Venn diagrams provided for both questions. Put the two sides of the argument in the corresponding yes/no circles and put your ultimate policy decision in the middle.

Your group will end your negotiations by recording your state policies on the sheets provided. Your group may use extra paper if you need more room. The policy does not have to be written like a formal statute. You should include your most important conclusions in your state policy but it is up to you how you want to write it up.

Remember, the state government has asked you to work together even though members of your group may have opposing views on the subject of legalizing marijuana. Try to be as professional as possible during your negotiations so that everyone in your group is willing to support the policy. You are trying to reach a consensus!
SHOULD MARIJUANA BE LEGALIZED?

Make a list of reasons why we should legalize marijuana and any applicable restrictions, why we should not legalize marijuana, and in the middle, indicate how your group compromised to come up with one state policy that may include ideas from both sides.
STATE COALITION TO ADDRESS SCHOOL VIOLENCE

Draft State Policy

Group Members

Marijuana Legalization Policy