

Gonzales v. Raich, 545 U.S. 1 (2005)

Justia Opinion Summary and Annotations

Annotation

Primary Holding

State laws permitting the medical use of marijuana do not prevent Congress from prohibiting its use for any purpose in those states.

Facts

Angel Raich, a California resident, grew marijuana for her personal medical use. Another California resident, Diane Monson, grew six marijuana plants that were destroyed in a raid by federal officials from the Drug Enforcement Administration. The plants grown by Raich and Monson were legal in California under Proposition 215, which permitted the medical use of marijuana, but illegal under the federal Controlled Substances Act, which classified them as Schedule I drugs. Raich, Monson, and two caregivers brought a suit to protect their right to grow and use marijuana for medical purposes.

Raich's doctor stated that she would be in extreme, life-threatening pain if she did not use the marijuana as allowed under the California Compassionate Use Act. She was allergic to most conventional types of prescription drugs. Monson suffered from pain and muscle spasms around her spine after a car accident, and she used marijuana to alleviate those symptoms. However, the DEA was determined to eradicate the medical marijuana co-ops in California, reflecting an understanding that the Controlled Substances Act pre-empted California laws. Unsympathetic to the government's arguments that the Commerce Clause gave it the authority to regulate in this area, the Ninth Circuit granted a preliminary injunction to prevent interference with Raich and Monson. Several states and organizations on each side of the debate filed amicus curiae briefs with the Supreme Court.

Attorneys

- Randy Barnett (plaintiffs)

Opinions

Majority

- John Paul Stevens (Author)
- Anthony M. Kennedy
- David H. Souter
- Ruth Bader Ginsburg
- Stephen G. Breyer

Carefully distinguishing medical from recreational uses of marijuana, the plaintiffs had not challenged the CSA with regard to its prohibition against ordinary recreational use. Unfortunately for them, their limited assault on its constitutionality left them open to the majority's argument that prohibiting the production of marijuana for medical reasons could be a rational means of restricting access to marijuana for recreational purposes. Stevens pointed out that both plaintiffs either had participated in the market for recreational use or were contemplating participating in it. He also cited the 1942 decision of *Wickard v. Filburn* to support the theory that market demands and the flow of the interstate economy would draw marijuana grown for medicinal use into channels for recreational use. Producing marijuana only for home consumption, moreover, was similar to the farmer's production of wheat in the *Wickard* case because it had an effect on the national market for the drug. As in that case, then, it could be regulated by the federal government under the Commerce Clause.

Concurrence

- Antonin Scalia (Author)

In the aftermath of decisions that limited the Commerce Clause power in *U.S. v. Lopez* (1995) and *U.S. v. Morrison* (2000), Scalia felt that it was necessary to distinguish those precedents from *Raich*. He did not view the CSA as a law that could erase the distinctions between national and local concerns, but rather as a justifiable exercise of controlling the interstate market under the Necessary and Proper Clause. Scalia found that the link between intrastate and interstate activity was much more direct in this case than in *Lopez* or *Morrison*.

Dissent

- Sandra Day O'Connor (Author)

- William Hubbs Rehnquist

Relying on federalism principles, O'Connor was reluctant to allow the federal government to override the decisions of certain states (including many beyond California) to protect the individual liberties of their citizens by growing marijuana on their property for personal and medical use. She viewed the states as potential laboratories for experiment in areas such as legalizing marijuana, which echoes one of the main justifications for federalism.

Dissent

- Clarence Thomas (Author)

Thomas used a strict textual reading of the Commerce Clause to argue that possessing a good or engaging in a personal activity on one's own property did not rise to the level of trade that the Framers would have contemplated when drafting the Constitution. He argued that allowing Congress to regulate in this area would leave its ability to encroach on state power virtually unfettered, raising the specter of a slippery slope that had driven the reasoning of the majority in *Lopez*.

Case Commentary

This decision marks a potential return in the Commerce Clause doctrine of the Court to the expansive understanding of Congressional powers under it in the mid-20th century. The Court had found more limitations on that power in recent cases, but it managed to distinguish them here.

Despite the failure of this claim as well as subsequent litigation and legislative efforts, Raich and Monson continue to use marijuana for private medical purposes. The federal government has stated that it does not prioritize enforcing the CSA against such users, and it is likely that Raich could defend her use on the grounds of medical necessity, carving out an exception to the law even if it is not unconstitutional.

Syllabus

Opinion (Stevens)

Concurrence (Scalia)

Dissent

Dissent (Thomas)

SYLLABUS

OCTOBER TERM, 2004
GONZALES V. RAICH

SUPREME COURT OF THE UNITED STATES

GONZALES, ATTORNEY GENERAL, et al. v. RAICH et al.

certiorari to the united states court of appeals for the ninth circuit

No. 03–1454. Argued November 29, 2004—Decided June 6, 2005

California’s Compassionate Use Act authorizes limited marijuana use for medicinal purposes. Respondents Raich and Monson are California residents who both use doctor-recommended marijuana for serious medical conditions. After federal Drug Enforcement Administration (DEA) agents seized and destroyed all six of Monson’s cannabis plants, respondents brought this action seeking injunctive and declaratory relief prohibiting the enforcement of the federal Controlled Substances Act (CSA) to the extent it prevents them from possessing, obtaining, or manufacturing cannabis for their personal medical use. Respondents claim that enforcing the CSA against them would violate the Commerce Clause and other constitutional provisions. The District Court denied respondents’ motion for a preliminary injunction, but the Ninth Circuit reversed, finding that they had demonstrated a strong likelihood of success on the claim that the CSA is an unconstitutional exercise of Congress’ Commerce Clause authority as applied to the intrastate, noncommercial cultivation and possession of cannabis for personal medical purposes as recommended by a patient’s physician pursuant to valid California state law. The court relied heavily on *United States v. Lopez*, 514 U. S. 549, and *United States v. Morrison*, 529 U. S. 598, to hold that this separate class of purely local activities was beyond the reach of federal power.

Held: Congress’ Commerce Clause authority includes the power to prohibit the local cultivation and use of marijuana in compliance with California law. Pp. 6–31.

(a) For the purposes of consolidating various drug laws into a comprehensive statute, providing meaningful regulation over legitimate sources of drugs to prevent diversion into illegal channels, and strengthening law enforcement tools against international and interstate drug trafficking, Congress enacted the Comprehensive Drug Abuse Prevention and Control Act of 1970, Title II of which is the CSA. To effectuate the statutory goals, Congress devised a closed regulatory system making it unlawful to manufacture, distribute,

dispense, or possess any controlled substance except as authorized by the CSA. 21 U. S. C. §§841(a)(1), 844(a). All controlled substances are classified into five schedules, §812, based on their accepted medical uses, their potential for abuse, and their psychological and physical effects on the body, §§811, 812. Marijuana is classified as a Schedule I substance, §812(c), based on its high potential for abuse, no accepted medical use, and no accepted safety for use in medically supervised treatment, §812(b)(1). This classification renders the manufacture, distribution, or possession of marijuana a criminal offense. §§841(a)(1), 844(a). Pp. 6–11.

(b) Congress' power to regulate purely local activities that are part of an economic "class of activities" that have a substantial effect on interstate commerce is firmly established. See, e.g., *Perez v. United States*, 402 U. S. 146, 151. If Congress decides that the "total incidence" of a practice poses a threat to a national market, it may regulate the entire class. See, e.g., *id.*, at 154–155. Of particular relevance here is *Wickard v. Filburn*, 317 U. S. 111, 127–128, where, in rejecting the appellee farmer's contention that Congress' admitted power to regulate the production of wheat for commerce did not authorize federal regulation of wheat production intended wholly for the appellee's own consumption, the Court established that Congress can regulate purely intrastate activity that is not itself "commercial," i.e., not produced for sale, if it concludes that failure to regulate that class of activity would undercut the regulation of the interstate market in that commodity. The similarities between this case and *Wickard* are striking. In both cases, the regulation is squarely within Congress' commerce power because production of the commodity meant for home consumption, be it wheat or marijuana, has a substantial effect on supply and demand in the national market for that commodity. In assessing the scope of Congress' Commerce Clause authority, the Court need not determine whether respondents' activities, taken in the aggregate, substantially affect interstate commerce in fact, but only whether a "rational basis" exists for so concluding. E.g., *Lopez*, 514 U. S., at 557. Given the enforcement difficulties that attend distinguishing between marijuana cultivated locally and marijuana grown elsewhere, 21 U. S. C. §801(5), and concerns about diversion into illicit channels, the Court has no difficulty concluding that Congress had a rational basis for believing that failure to regulate the intrastate manufacture and possession of marijuana would leave a gaping hole in the CSA. Pp. 12–20.

(c) Respondents' heavy reliance on *Lopez* and *Morrison* overlooks the larger context of modern-era Commerce Clause jurisprudence preserved by those cases, while also reading those cases far too broadly. The statutory challenges at issue there were markedly different from the challenge here. Respondents ask the Court to excise individual applications of a concededly valid comprehensive statutory scheme. In contrast, in both *Lopez* and

Morrison, the parties asserted that a particular statute or provision fell outside Congress' commerce power in its entirety. This distinction is pivotal for the Court has often reiterated that "[w]here the class of activities is regulated and that class is within the reach of federal power, the courts have no power 'to excise, as trivial, individual instances' of the class." *Perez*, 402 U. S., at 154. Moreover, the Court emphasized that the laws at issue in *Lopez* and *Morrison* had nothing to do with "commerce" or any sort of economic enterprise. See *Lopez*, 514 U. S., at 561; *Morrison*, 529 U. S., at 610. In contrast, the CSA regulates quintessentially economic activities: the production, distribution, and consumption of commodities for which there is an established, and lucrative, interstate market. Prohibiting the intrastate possession or manufacture of an article of commerce is a rational means of regulating commerce in that product. The Ninth Circuit cast doubt on the CSA's constitutionality by isolating a distinct class of activities that it held to be beyond the reach of federal power: the intrastate, noncommercial cultivation, possession, and use of marijuana for personal medical purposes on the advice of a physician and in accordance with state law. However, Congress clearly acted rationally in determining that this subdivided class of activities is an essential part of the larger regulatory scheme. The case comes down to the claim that a locally cultivated product that is used domestically rather than sold on the open market is not subject to federal regulation. Given the CSA's findings and the undisputed magnitude of the commercial market for marijuana, *Wickard* and its progeny foreclose that claim. Pp. 20–30.

352 F. 3d 1222, vacated and remanded.

Stevens, J., delivered the opinion of the Court, in which Kennedy, Souter, Ginsburg, and Breyer, JJ., joined. Scalia, J., filed an opinion concurring in the judgment. O'Connor, J., filed a dissenting opinion, in which Rehnquist, C. J., and Thomas, J., joined as to all but Part III. Thomas, J., filed a dissenting opinion.

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