

Federalism and the exercise of national power

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Federalism and the Exercise of National Power Federal government and the right to ban marijuana under the commerce clause of US constitution

The federal governments do not have the right to ban marijuana under Commerce Clause in US constitution. In the case of the woman, it was wrong for the federal state to take marijuana under Commerce Clause since it was not an interstate commerce. Local cultivation and consumption of marijuana is not a trade as provided by in the US constitution (Pierre, 2011). The cultivation of marijuana in one state is different from interstate commerce, which Commerce Clause directs. Commerce clause only deals with regulating buying and selling of goods and services among the states (Pierre, 2011).

Similarly, regulating the use of marijuana is not spelled under the commerce clause. Taking away homegrown marijuana is a way of controlling its consumption. There is no law in the US constitution, which gives federal government powers to invoke cultivation of marijuana without explanation (Pierre, 2011). Therefore, Commerce Clause or other clauses do not grant the federal powers to regulate the use of marijuana.

Overarch of the federal government

The federal system overstepped its mandate to ban marijuana. This is so because the 10th Amendments state that the people have a say on powers that the constitution does not delegate to the United States (Pierre, 2011).

Thus, the cultivation of marijuana is not spelled in the constitution leaving the decision to lie with the individuals and the state. Similarly, growing marijuana for medical purposes is allowed as long as it is not for commercial purpose under Commerce Clause. Moreover, the federal government has powers to regulate interstate commerce under Article 1, Section 8 of US <https://assignbuster.com/federalism-and-the-exercise-of-national-power/>

constitution (Pierre, 2011). However, this does not mean they have powers to control anything associated with interstate commerce. The woman who grew marijuana was an exception because there was no evidence of participation in interstate commerce.

Reference

Pierre, A. (2011). Why can't cannabis be in the Commerce Cause? Retrieved from [http://blog. norml. org/2011/07/18/why-cant-cannabis-be-in-the-commerce-clause/](http://blog.norml.org/2011/07/18/why-cant-cannabis-be-in-the-commerce-clause/)