

Lesson Title: When States Become Laboratories of Democracy
Handout #3: Marijuana Laws and the Federal Government

Directions: Read the following documents and in your group discuss the follow-up questions.

Article #1: Office of National Drug Control Policy, “Marijuana Resource Center: State Laws Related to Marijuana” <https://www.whitehouse.gov/ondcp/state-laws-related-to-marijuana>.

Discussion Questions:

- What is the position of the federal government regarding state laws that allow the use of marijuana?
- What concern does the federal government express about how these laws are being implemented in various states?
- What is Congress’ position on the status and of marijuana as a drug and the Department of Justice’s commitment to enforcement of the law?
- What can you conclude about the federal government’s position on states legalizing the use of marijuana?

Article #2: Criminal Defense Lawyer, “Medical Marijuana and Federal Law” <http://www.criminaldefenselawyer.com/resources/criminal-defense/federal-crime/medical-marijuana-federal-laws.htm> (Note that as of 2016, 25 states have legalized the use of marijuana for medical or recreational purposes.)

Discussion Questions:

- From reading the first section, describe what the article is about.
- What is the conflict between federal and state marijuana laws?
- What basic advice does the author of the article give to people who use marijuana for medical purposes?
- Go to the section “Marijuana Laws by State.” Select your state from the list and summarize its stand on the use of marijuana.

Article #3: U.S., Department of Justice, “Memorandum for all United States Attorneys”

<https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>

Discussion Questions:

- How does Congress classify marijuana? What are Congress’s concerns about marijuana?
- As more states have enacted laws relating to the use of marijuana for medical purposes, the Justice Department has established priorities for enforcing of the Controlled Substances Act. Review these priorities in the memo and answer the following questions:

- Would any of these priorities cause the Justice Department to prosecute individuals who use marijuana for medical purposes?
- Would any of these priorities cause the Justice Department to stop a state from passing a law legalizing marijuana?
- Does the DOJ's memorandum repeal the Controlled Substances Act as it pertains to marijuana?
- Under what conditions might the federal government prosecute someone using marijuana in a state where it is legal?
- Comment on the apparent contradiction between the legalization of marijuana use in states like Colorado and Washington and the federal laws that make marijuana's use illegal.