Marijuana Regulation and Federalism

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Marijuana regulation and federalism

Federal law makes the cultivation and use of marijuana illegal for all purposes. Yet, over the past two decades, 28 states plus the District of Columbia have legalized marijuana for medicinal purposes, and eight states plus the District of Columbia have legalized it for recreational purposes. Marijuana regulation thus provides a useful and timely example for exploring the ways in which the distribution of power between the federal government and the states can facilitate policy change.

Let's start with the basics. The Constitution performs three principal functions.

First, it creates a federal government of three branches - the legislative branch (Congress), the executive branch (the president) and the judicial branch - and provides them with separate but somewhat overlapping powers. We refer to this arrangement as our “separation of powers.”

Second, it specifies the powers that the federal government may exercise. Most of these powers are held concurrently by both the federal government and the states, but a few (for example, the power to coin money) are given exclusively to the federal government. If the Constitution does not explicitly confer a power on the federal government, that power is understood to reside solely with the states. But federal law is supreme.

A Little Perspective

NOAH SMITH, WRITING FOR BLOOMBERG: “The first and most obvious hurdle to integration is xenophobia. If the Trump administration manages to whip up hostility to Hispanic, Asian and Muslim immigrants, they may feel they have no choice but to retreat into ethnic enclaves. Anti-immigrant fears would then become a self-fulfilling prophecy. The country must therefore maintain a welcoming and inclusive attitude. Another way to encourage fast integration is to shift the immigrant mix toward the high-skilled. Though all immigrants integrate, those with more education and skills tend to do so faster. Fortunately, U.S. immigration has been moving quickly toward a more educated population, probably as a result of the end of illegal immigration. The Trump administration should be very careful not to choke off this positive trend by scaring high-skilled immigrants away or restricting their entry. A shift to a Canada-style merit-based immigration system, which Trump has promised but not yet delivered, would be a plus. If the U.S. manages to tamp down its latest wave of anxiety, the future is bright. Once again, immigrants will fulfill George Washington's dream, and the country will remain ‘one people’ - bigger, stronger and more dynamic than before. The great American experiment is still working. The country's leaders just have to step back and let it work.”

NHsnapshot

ON MARCH 12, 1986, Gov. John Sununu signs into law a measure providing money to pay for placing children in group and foster homes. The measure provides money to cover court-ordered placements. It is a result of the state's failure to pay for a law it approved the year before.

Jon Huntsman Jr. of Utah and his wife, Mary Kaye, chat with potential voters at a gathering in the home of Nancy and Wally Stickney in Salem on June 10, 2011.
Marijuana legalization proves system sometimes works as founders intended

CONSTITUTION FROM D1

presents any conflicting state laws. We refer to this general distribution of power between the federal government and the states as our "federalism."

Third, it recognizes certain zones of liberty surrounding the individual. Some of these zones belong only to citizens, but most are held by all persons within the jurisdiction of the United States. Some limit only the federal government, but most constrain both the federal government and the states. We refer to these zones of liberty as our "individual constitutional rights.

Back to marijuana. The Constitution does not explicitly give power to the federal government to regulate marijuana. But it does grant a number of relevant powers. It empowers Congress to regulate interstate commerce and to adopt additional measures that are necessary and proper for putting those powers into operation. It also vests the president with general law enforcement powers while directing him to take care that federal laws are faithfully executed.

In 1976, Congress used its commerce clause powers to pass the federal Controlled Substances Act. The goal of the CSA was to combat drug abuse and control the trafficking of drugs such as marijuana.

Bob Blanchette, our former financial director, has first-hand what needs to be done and as I write this letter, he is running for selectman again after 15 years of service.

Blanchette, our former financial director, has the experience and because he genuinely cares about the town.

My husband, Bob Blanchette, is running for selectman. He is an accountant and is the current treasurer of the town.

Bob is honest, ethical, relatable and running because of his experience. Bob is not the type of person to ask people to vote for him, but to look at the town's needs. He is running for the town's best interest, not his own.

Bob has worked in local government for over 30 years. He has seen the town grow from a small town to a busy community. He knows what needs to be done and has the experience to do it.

In his 15 years as selectman, Bob has been a strong advocate for the town. He has worked hard to maintain our present services at an affordable cost and to ensure that the town's needs are met.

He knows the town and its needs. He understands the importance of maintaining our present services while also looking for ways to cut costs.

Moreover, Bob is willing to listen to any and all suggestions from the voters. He appreciates a vote for him and see what the voters think.

Bob has plenty of experience in both the public and private sectors. He has worked in both fields and understands the challenges of both.

In the public sector, Bob has served on several committees and has been a strong advocate for the town. He has been involved in several projects and has seen them through to completion.

In the private sector, Bob has been an accountant and understands the importance of maintaining the town's financial stability.

Bob is an accountant and is the current treasurer of the town.

It is time for a change. The employees would support our local businesses.

We have a great town, but everything comes with a cost. We need to add to our tax base to support our local businesses.

Commercial and industrial business would be available for businesses. We need to add to our tax base to support our local businesses.

Marshall Bishop for a full three-year term on the selectmen we are required to post a meeting for the town to maintain coverage and service.

Last year's town meeting was a good, initial money in years to come. I would look forward to the same meeting with voters supporting each other. Let's work hard to get it done.