

MOCK SUPREME COURT CASE

AP GOVERNMENT

TRIAL DATE:

Case: Medical Marijuana

Scenario: California and several other states have passed medicinal marijuana laws. The Federal government is making arrests and prosecuting for violation of federal law, specifically the Controlled Substance Act (1978).

Constitutional Provision(s): Federalism, Reserved Powers, Elastic clause, Enumerated Powers.

Constitutional Question(s): Does the federal government have the constitutional authority to make laws prohibiting the use of marijuana, or should state law trump national law when dealing with issues such as medical marijuana? In others words, if California law conflicts with federal law, which is supreme?

Petitioners: You are to take the position that it is the legitimate right of the federal government to make laws regarding issues such as medical marijuana, and that this power is provided for by the Constitution. Therefore, federal law trumps state law.

Respondents: You are to take the position that the Constitution gives the states power over policy issues such as drug laws and that this is provided for in the Constitution. The federal government is overstepping its constitutional authority and has no power to dictate to the states policy in these areas.

Supreme Court: This team and myself will play the role of the Supreme Court. The justices will be allowed to ask questions of both sides. Thus you must anticipate potential arguments for both sides and develop your questions in response. I will play the role of the Chief Justice and will direct the proceedings.

Strategy: Organize in your teams to prepare. Use ETHICAL, LEGAL, and CONSTITUTIONAL reasoning in your arguments and briefs. Also, **utilize any resources** on my web site.

What's Due: Each team must submit a **legal brief** containing your basic argument. The justices need to draft a series of questions for both prosecution and defense (These will be asked during the trial).

All students MUST participate to earn credit