

Extended Controversial Issue Discussion Lesson Plan

Lesson Title: Federalism, the Tenth Amendment, and Medical Marijuana Laws

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Appropriate for Grade Level(s): 12

US Civics Standard(s)/Applicable CCSS(s): Nevada State Content Standards and Benchmarks

Content Standard C14.0 - The Federal System: U.S., State, and Local Governments - Students understand the U.S. Constitution and the government it creates, including the relationship between national and sub-national governments, as well as the structure and function of state and local governments.

C14. [9-12].3 Provide contemporary examples of federalism. Content Standard

C15.0 - The Political Process - Students describe the roles of political parties, elections, interest groups, media, and public opinion in the democratic process.

C15. [9-12].3 Evaluate the significance of interest groups and public opinion in the political process of a democratic society.

C15. [9-12].6 Describe the process by which public policy is formulated and implemented.

Common Core State Standards for English Language Arts, & Literacy in History/Social Studies, Science, and Technical Subjects: Reading Standards for Literacy in History/Social Studies 6–12

Key Ideas and Details –

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

Craft and Structure – Evaluate authors’ differing points of view on the same historical event or issue by assessing the authors’ claims, reasoning, and evidence. Integration of Knowledge and Ideas –

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.

Integrate information from diverse sources, both primary and secondary, into a coherent understanding of an idea or event, noting discrepancies among sources.

Discussion Question(s): See; “Cross the Line Activity,” “Assigned Reading Questions,” & “Socratic Seminar” essential Questions.

Engagement Strategy: Hook – “Cross the Line Activity.” Students will become familiar with the pertinent vocabulary. Three Articles representing diverse perspectives that will be read and annotated. There is a writing assignment attached to one of the articles and higher level questions attached to others. Students will participate in a Socratic Seminar. Students will write a persuasive essay that details their position on the conflict between the federal and state governments over the issue of medical marijuana. Students will also write a “persuasive essay” and create a political cartoon that identifies the complexity of the debate surrounding the issue.

The pages that follow the Lesson Plan Template include a detailed background paper on the topic for teachers, student readings and reading strategy/questions, source(s), handouts, assignment sheet, self-assessment/reflection and a rubric related to this lesson.

Student Readings (list):

Marijuana <http://www.whitehouse.gov/ondcp/marijuana>

Justice Department Faces Lawsuit over Medical Marijuana Crackdown <http://www.rawstory.com/rs/2011/10/27/justice-department-faces-lawsuit-over-medical-marijuana-crackdown/>

Congressman's Daughter Seeks Injunction against Federal Crackdown on Medical Marijuana
<http://ranchobernardo.patch.com/articles/congressman-bilbray-daughter-on-opposite-sides-of-medical-marijuana-debate>

Total Time Needed: Two Fifty-Five Minute Classes

Lesson Outline:

Time Frame (e.g. 15 minutes)	What is the teacher doing?	What are students doing?
Day 1: Hook - 10 min	Cross the Line Activity – Reading questions	Thinking Critically and Developing Opinions/Taking a Stand
Day 1: Vocabulary – 20 min	Teacher will introduce the terms and definitions in a note-taking activity	Students will work for 20 minutes defining the pertinent vocabulary
Day 1: Assigned Reading “Article #1” – 25 min	Teacher will roam the classroom in order to help individual students understand the information presented and to develop their position statement	Students will read and annotate Article #1. They will complete the writing prompts for Article 1, and they will write a “position statement” based on the information in Article 1.
Homework – Assigned Reading “Article #2”	Grading student work!	Students will read and annotate Article #2.”They will answer the prompts associated with Article #2
Day 2: Assigned Reading “Article #3 – 15 min.	Teacher will roam the classroom in order to help individual students understand the information presented and to answer the prompts	Students will read and annotate Article #3. They will answer the prompts associated with Article #3
Day 2: Socratic Seminar – 30 min.	Teacher will introduce the handout – “Assessing Discussion of Public Issues: Performance Criteria.” Deliver the essential questions and monitor and score the discussion (see rubric).	Students will be actively involved in the debate. Each student will receive two pennies which they will use to give their “two-cents” and/or buy their way into the debate. Pennies must be used to earn participation points.
Day 2: Political Cartoon Analysis – 10 min.	Check for understanding – Political Cartoon Activity Teacher will handout political cartoon and lead the students through an analysis of the cartoon by answering the questions.	Students will be actively involved in breaking down the symbolism, action, and main message of the political cartoon.
Homework –	Grading Papers!!	Students will write a persuasive essay based on

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Persuasive Essay		their informed position on the conflict between the federal government and the state governments over the issue of medical marijuana (see Rubric; “Assessment of Persuasive Writing on a Public Issue).
Homework – Political Cartoon	Grading Papers!!!	Students will create a political cartoon that details the controversy and conflict surrounding the medical marijuana issue (see Rubric; “Making a Political Cartoon).

Description of Lesson Assessment: Summative assessment will take place through evaluation and scoring of the “assigned reading” essential questions, the “position statement” writing prompt, along with the persuasive essay and the political cartoon submitted at the end of the lesson. Formal assessment will occur through the student’s individual positions on specific questions/topics generated in the “cross the line” activity and the Socratic seminar.

How will students reflect on the process and their learning? The students will have several opportunities to reflect on their own ability to develop a position on a specific public issue and take a stand through a line of reasoning based on discussion/debate and text based evidence. The students will be provided with three rubrics to help guide the quality of both oral and written arguments (see below).

Cross the Line Activity

- 1) Drugs are dangerous; and in order to protect the public health the government should regulate access to them.
- 2) In a free-society, the government has no right to mandate what substances an individual can ingest.
- 3) The “war on drugs” has been a success, because the overall drug use in the United States has declined by one-third since the 1970s (ONDCP).
- 4) Prohibition of certain drugs has been a public policy failure because of the hundreds of billions of dollars spent, the erosion of civil liberties, the rise in organized crime and violence, a prison population of over two-million made-up mostly of the poor and minorities, along with the exorbitant costs of incarcerating prisoners which is putting a severe strain on state budgets.
- 5) Marijuana is a dangerous drug with absolutely no medicinal value and should be heavily controlled and regulated by the government no matter the cost and public opinion.
- 6) The 10th Amendment says that it is up to the states and the people to make laws that are not specifically listed in the Constitution, do you agree that the citizens of a state should be able to use the ballot initiative process to legalize medical marijuana and override the Controlled Substances Act?
- 7) Allowing medical marijuana into our communities will increase criminal activity and allow our children to gain easier access to the drug.
- 8) The government has absolutely no right to interfere with the doctor-patient relationship.

Questions for Assigned Readings

Article #1 – Marijuana “White House Office of National Drug Control Policy”

- 1) Provide three main reasons, and three important facts to support each reason, for the White House’s Office of National Drug Control Policy’s stand on marijuana prohibition.
- 2) Write a “position statement that summarizes the governments’ opinion toward medical marijuana.

Article #2 - Justice Department Faces Lawsuit over Medical Marijuana Crackdown

- 1) Explain how the special interest group, *Americans for Safe Access*, is challenging the federal government’s ban on state medical marijuana laws. Name some other special interest groups involved in this public policy issue.
- 2) Define what a “schedule I” drug is and clarify why the government places marijuana in that category.
- 3) What is your opinion about the Attorney General’s office threatening to remove some 1st Amendment rights in order to stop the legalization of medical marijuana at the state level?
- 4) According to this article, what is the California Medical Association’s position on medical marijuana and what do polls say the current attitude is towards marijuana legalization in the United States at large?

Article #3 - Congressman's Daughter Seeks Injunction against Federal Crackdown on Medical Marijuana

- 1) Who is Brianna Bilbray and why has she co-filed an injunction against the Attorney General’s Office?
- 2) What other federal departments is the injunction addressing?
- 3) How is this issue a personal, or familial, one for Brianna as well?

Socratic Seminar

Essential Questions:

- 1) The federal government and fourteen states are in conflict over the legitimacy and status of medical marijuana, do you believe that the federal government should continue to rank marijuana as a “schedule one drug” and prosecute dispensary owners, dispensary employees, and individuals who are operating within their particular state’s laws?
- 2) In your opinion, does the commerce clause apply in this case where voters in states are legalizing medical marijuana?
- 3) What types of limits should Congress or the Supreme Court put on the 10th Amendment? Or can they?

Socratic Seminar – Rules of Debate

- 1) Listen Actively
- 2) Do not blurt out statements – Put in your two cents
- 3) Talk to each other, not just the facilitator -
- 4) Use the Text as evidence
- 5) Do not criticize the person, but question and add to the discussion in a respectful and meaningful way

Essential Vocabulary

Ballot Initiative	Commerce Clause
10 th Amendment	9 th Amendment
Controlled Substances Act	United States v. Lopez
Supreme Court	United States v. Morrison
Congress	Public Opinion
Drug Enforcement Agency	Special Interest Group
Public Policy	Prohibition
United States v. Oakland Cannabis Buyers Club	Injunction
Ninth Circuit Court of Appeals	Proposition 215
Federalism	State's Rights
Civil Rights	Civil Liberties

Article #1

Marijuana

<http://www.whitehouse.gov/ondcp/marijuana>

Marijuana and other illicit drugs are addictive and unsafe especially for use by young people. As officials with the National Institute on Drug Abuse state, drug addiction is a progressive disease and the earlier one starts, the more likely are the chances of developing a substance use disorder.

Marijuana contains chemicals that can change how the brain works. And the science, though still evolving in terms of long-term consequences of marijuana use, is clear: marijuana use is associated with addiction, respiratory and mental illness, poor motor performance, and cognitive impairment, among other negative effects. This is especially troubling since research suggests one-in-11 people who ever used marijuana will become dependent on it; this risk rises to one-in-six when use begins in adolescence. In 2009, marijuana was involved in 376,000 emergency department visits nationwide.

Marijuana Prevalence

According to the 2010 Monitoring the Future study, levels of current marijuana use among 8th, 10th, and 12th graders are the highest they have been in seven years. In 2010, daily marijuana use increased significantly compared to 2009 among all three grades surveyed - among high-school seniors, daily use rose from 5.2 percent in 2009 to 6.1 percent in 2010.

Confusing messages about marijuana use that are being conveyed by proponents of “medical” marijuana perpetuate the false notion that marijuana use is harmless. These messages ignore the very real negative consequences associated with marijuana use and dependence. Given that 1 in 6 adolescents who initiate use of marijuana are at risk of developing an addiction to the drug at some time in their life, we owe it to them to make sure they understand and the people in their lives who care about them understand the real risks associated with its use.

Medical Approval Process

Marijuana itself is not an approved medicine under the Food and Drug Administration’s (FDA) scientific review process. Yet 16 states and the District of Columbia have permitted marijuana to be sold as “medicine” for various conditions. Although, some of the individual, orally-administered components of the cannabis plant (Dronabinol and Nabilone are two such drugs available today) have medical value, smoking marijuana is an inefficient and harmful method for delivering the constituent elements that have or may have medicinal value. The FDA process for approving medicine remains the only scientific and legally recognized procedure for bringing safe and effective medications to the American public. To date, the FDA has not found smoked marijuana to be either safe or effective medicine for any condition.

No major medical association has come out in favor of smoked marijuana for widespread medical use. Further, public health organizations including the American Cancer Society, American Glaucoma Foundation, National Pain Foundation, National Multiple Sclerosis Society, and other medical societies, do not support smoked “medical” marijuana. The American Medical Association has called for more research on the subject, with the caveat that this “should not be viewed as an endorsement of state-based medical cannabis programs, the legalization of marijuana, or that scientific evidence on the therapeutic use of cannabis meets the current standards for a prescription drug product.”

This Administration joins major medical societies in supporting increased research into marijuana’s many components, delivered in a safe (non-smoked) manner, in the hopes that they can be available for medical professionals to legally

prescribe if proven safe and effective. The U.S. Federal Government is the single largest funder of research on marijuana in the world.

Furthermore, the Administration opposes drug legalization. Legalization threatens public health by increasing availability of drugs and undermining prevention activities. It also hinders recovery efforts and poses a significant health and safety risk to all Americans, especially our youth. Marijuana is a harmful drug and its use should be prevented and treated – not promoted. Outside the context of federally approved research, the use and distribution of marijuana is prohibited in the United States.

Article #2

Justice Department Faces Lawsuit over Medical Marijuana Crackdown

<http://www.rawstory.com/rs/2011/10/27/justice-department-faces-lawsuit-over-medical-marijuana-crackdown/>

By Eric W. Dolan

Thursday, October 27, 2011

Americans for Safe Access (ASA), the country's largest medical marijuana advocacy organization, filed a lawsuit in federal court Thursday challenging the U.S. Department of Justice's attempt to close down medical marijuana dispensaries in California.

"Although the Obama Administration is entitled to enforce federal marijuana laws, the Tenth Amendment forbids it from using coercive tactics to commandeer the law-making functions of the State," said ASA Chief Counsel Joe Elford, who filed the lawsuit today in San Francisco's federal District Court. "This case is aimed at restoring California's sovereign and constitutional right to establish its own public health laws based on this country's federalist principles."

The use of marijuana for medical purposes is legal under California law. But the drug is still classified as a Schedule I substance under federal law, a classification reserved for dangerous drugs with no real medicinal value.

In early October, U.S. prosecutors in California threatened to seize the properties of state-licensed marijuana dispensaries if they didn't close up shop within 45 days. U.S. Attorneys in California have also threatened to target newspapers, radio stations and other media outlets that advertise for dispensaries.

The Drug Enforcement Administration (DEA) followed up on the threat by conducting an early morning raid on October 13th at Northstone Organics, a fully-licensed cultivation collective in Mendocino County.

ASA argues that the Justice Department has "instituted a policy to dismantle the medical marijuana laws of the State of California and to coerce its municipalities to pass bans on medical marijuana dispensaries."

U.S. Attorneys have sent letters to several municipalities warning them that their proposed local medical marijuana regulations would violate federal law.

The California Medical Association, the state's largest doctor group, recently adopted a resolution to support the legalization of marijuana. The group said the discrepancy between state and federal law created an untenable situation for physicians.

And Gallup has found that Americans favor marijuana legalization now more than ever. A record-high 50 percent of Americans say the use of marijuana should be made legal, up 4 percent from last year and 14 percent from 2006.

"The Obama administration's escalation of the 'war on drugs' and its attacks on state medical marijuana laws are only giving more and more Americans the opportunity to realize just how ridiculous and harmful our prohibition-based drug

laws are,” said Neill Franklin, executive director of Law Enforcement Against Prohibition and a retired Baltimore narcotics cop.

“These numbers from Gallup, as well as the California Medical Association’s recent endorsement of marijuana legalization, show that momentum is on the side of reformers, so it’s no wonder the drug warriors are getting scared and ramping up their attacks.”

California Assembly member Tom Ammiano (D) said last week that the federal government’s crackdown on medical marijuana dispensaries would cost the state millions of dollars in lost revenue.

Eric W. Dolan - Eric W. Dolan has served as an editor for Raw Story since August 2010, and is based out of San Diego, California. He grew up in the suburbs of Chicago and received a Bachelor of Science from Bradley University. Eric is also the publisher and editor of PsyPost. You can follow him on Twitter @ewdolan.


Article #3

Congressman's Daughter Seeks Injunction against Federal Crackdown on Medical Marijuana

Congressman Brian Bilbray is opposed to legalized medical marijuana in California, but his daughter, who has cancer, is pushing back against a federal crackdown.

By [Khari Johnson](#)



<http://ranchobernardo.patch.com/articles/congressman-bilbray-daughter-on-opposite-sides-of-medical-marijuana-debate>  Courtesy of Briana Bilbray

Cancer patient Briana Bilbray—the daughter of Congressman Brian Bilbray—and local medical marijuana cooperatives on Monday filed for an injunction to stop a federal crackdown on marijuana sales.

Attorney Matt Kumin, who filed for the injunction, said the goal is for the U.S. Justice Department and U.S. attorneys "to stop threatening folks who are in compliance with state law."

The filing comes a month after the Justice Department pledged to crack down on California's commercial marijuana cooperatives and dispensaries.

Plaintiffs in the case include four medical marijuana cooperatives from across San Diego and 25-year-old Imperial Beach resident Briana Bilbray. Bilbray's brother, Brian Patrick Bilbray, is an Imperial Beach city councilman and her father, Brian Bilbray, is a U.S. Congressman representing California's 50th District and a former mayor of Imperial Beach. The congressman's district includes Rancho Bernardo, Rancho Peñasquitos and 4S Ranch.

Briana Bilbray has Stage 3 melanoma cancer and opposed the city of Imperial Beach's efforts to restrict medical marijuana cooperatives earlier this year.

"Before I had cancer I thought it was people just trying to get it legalized," she said. "That changed pretty much once I realized that it really did work and it was a legitimate way to get nausea to go away."

Ultimately, she would like to see more discussion on the federal side about marijuana's medicinal benefits.

Bilbray said she also chose to "stand up for it" to ensure she and other patients have access.

"My cancer has a 40 percent chance of reoccurrence and I'm really nervous I'm not going to be able to get it [marijuana], cause the nausea's just unbearable," she said.

Speaking before the Imperial Beach City Council in July, Bilbray said she bought \$200 worth of nausea-reducing medicine that provided her no assistance. In contrast, she said one dose of medical marijuana relieves her for an entire day.

"You have no idea. It is like the difference between night and day for chemo patients," she said. "Not only are you infringing on my right as a California resident to obtain the medicine I need, but you are punishing me by making it more difficult to get the one thing I really need."

"It is one of the worst feelings imaginable," she said.

Regarding her family's opinion on her being a party to the injunction, Bilbray said they're still skeptical.

"They believe me that it works but there's such a negative image in everyone's head in general about marijuana. They still have that, but they support me in what I want to do," she said.

In a statement released by the congressman's office Monday, Brian Bilbray said, "Karen and I raised our children to be strong individuals who think for themselves. I respect my daughter's right to fight for what she believes in based on her personal experiences. We may not agree with our children on every issue, but Karen and I are very proud parents." Congressman Bilbray is opposed to the legalization of medical marijuana in California and supports federal law, his spokesman said in an email.

Imperial Beach city councilman Brian Patrick Bilbray voted against his city's efforts to limit marijuana dispensaries earlier this year and agrees with his sister's call for an injunction.

"I'm supporting her 100 percent. I'm proud of her. She's definitely taking a stand most people won't," he said.

Defendants in the case include U.S. Attorney General Eric Holder, Southern District of California U.S. Attorney Laura Duffy and a Drug Enforcement Administration official.

Among other reasons for the injunction, the case document states that the federal government's actions violate ninth, 10th and 14th amendment constitutional rights, the Commerce Clause and matters previously decided in other court cases.

Last week, Americans for Safe Access filed a lawsuit against the Department of Justice in an attempt to get the federal government to honor local and state medical marijuana laws.

<http://www.safeaccessnow.org/article.php?id=6921>

Local Americans for Safe Access activist Marcus Boyd asked Briana Bilbray to be a party to the injunction.

"I'm just happy I was able to put her in touch with a team of attorneys that were willing to go after the federal government," Boyd said.

"I'm proud of Ms. Bilbray's courage to stand up against the federal government's meddling in state medical issues," he said. "And I'm hopeful that either the Americans for Safe Access lawsuit or this one is able to prevent the federal government from carrying out their threats against providers."

Political Cartoon Analysis:



- 1) Identify the use of symbolism in the cartoon.
- 2) Name the characters in the cartoon.
- 3) Explain the action taking place.
- 4) What do the words in the cartoon imply?
- 5) What is the overt message of the cartoon?
- 6) Who is the intended audience of the message in this cartoon?

*Keep these six steps in mind when you create your own political cartoon that explains the complexity of this debate.

The pages that follow the Lesson Plan Template include a detailed background paper on the topic for teachers, student readings and reading strategy/questions, source(s), handouts, assignment sheet, self-assessment/reflection and a rubric related to this lesson.

Constitutional Issue: Federalism, the Tenth Amendment, and the Conflict Surrounding Medical Marijuana Laws.

The Tenth Amendment to the United States' constitution states; *The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.* The Tenth Amendment, the last of the Bill of Rights, was ratified on December 15, 1791. Since that time, the Tenth Amendment has been viewed as a cornerstone of the Federalist system upon which the United State's structure of government relies. Beginning in 1996, a conflict has been waging between the federal government and fifteen state governments over the issue of medical marijuana. California fired the first shots in this war in 1996, when its citizens used a ballot initiative, *Proposition 215*, to codify the first medical marijuana law at the state level. Since then, the voters in Alaska, Arizona, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington, along with the nation's capitol, the District of Columbia, have passed their own medical marijuana laws in some form. The federal governments' position on medical marijuana is detailed in the *Controlled Substances Act* which was passed into law as part of the *Comprehensive Drug Abuse Prevention and Control Act of 1970*. Due to this law, marijuana is classified as a "Schedule I" controlled substance. Schedule I drugs are reported to have no accepted medical use, a high potential for abuse, and no prescriptions can be written by physicians for their use. An analysis of the conflict between the federal government and the state governments over medical marijuana laws provides a multifaceted and detailed look at the process of federalism; some of these insights include the power of the Tenth Amendment, functions of government through public policy, and the historical and contemporary interpretations of the "Commerce Clause" of the U.S. Constitution by the courts.

State governments have taken on a range of approaches to instituting medical marijuana laws. All of them include getting a physician's recommendation for use. Some states allow clubs to operate and sell marijuana to patients with registry cards, others dispense it through pharmacies, and others mandate that patients grow their own and place limits on the number of plants to be cultivated. These different systems present challenges for law enforcement at the state level who are attempting to uphold state laws and remain compliant with federal mandates. Judiciaries at the state level have offered differing opinions on the rights of patients using medical marijuana. But in all cases at the federal level, the government has been taking an aggressive approach in arresting and trying individuals and outlets in the states that allow medical marijuana for violating the *Controlled Substances Act*. "Given the significant variations in the approaches employed in state marijuana laws and the fact that that elements in each of

these approaches could be subject to federal opposition, the ultimate viability of these laws will likely be determined on a case-by-case basis (Pacula, 436).”

In *Gonzales v. Raich*, the United States Supreme Court ruled that federal law enforcement authorities could criminally prosecute state authorized medical marijuana patients for possession of the drug. The Supreme Court did not nullify state medical marijuana laws, but did uphold the federal government’s jurisdiction in prosecuting marijuana users under federal the *Controlled Substances Act*. Angel Raich used marijuana prescribed by a board-certified physician who claimed that it was the only drug that provided effective treatment for her maladies. Mrs. Raich suffered from an inoperable brain tumor, a degenerative spinal condition that caused constant pain, and wasting syndrome. In August of 2002, the county sheriff, with Drug Enforcement Administration agents, raided her home and confiscated six marijuana plants. The county sheriff found that Mrs. Raich was growing her medicine entirely within the laws of California but the federal agents seized and destroyed all six of her marijuana plants. Angel Raich sued the federal government to prohibit the enforcement of the *Controlled Substances Act*. In *Raich*, the Supremes ruled in a 6-3 decision that Congress has the power to regulate interstate commerce, which includes the power to prohibit cultivation of marijuana prescribed by a physician within the states where it is legal. “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 (Gostin, 842).”

The Commerce Clause, *Article I Section 8 Clause 3* of the Constitution of the United States, gives Congress the power “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes”. The commerce power is one of the enumerated powers of Congress. The Supreme Court has interpreted the commerce clause as “an express grant of authority to Congress and an affirmative limitation on the rights of the states to regulate commerce within their own borders (<http://www.lawnix.com/cases/commerce-clause.html>).” The first interpretation of the Commerce Clause occurred with the case of *Gibbons v. Ogden* (1824). The decision involved a very detailed analysis of the powers of Congress to “regulate interstate commerce.” In the decision, the Supreme Court ruled that the state of New York could not restrict the federal government’s ability to authorize ships to land at New York City docks. The court nullified the New York licensing regulations, ruling that federal regulations must take precedence under the *Supremacy Clause*.

The *Gibbons v. Ogden* case strengthened the power of the federal government to regulate any interstate business relationship. This has led to federal oversight of the broadcasting industry, oil pipelines, along with banking and financial institutions. However, the scope of the commerce power depends on the Supreme Court’s interpretation of “commerce” at that time. If interpreted broadly enough, the power to regulate commerce can give Congress the power to legislate in many areas that otherwise would fall within the scope of the states’ regulatory power. That argument was made by the attorneys representing the Oakland Cannabis Buyers Cooperative, in *United States v. Oakland Cannabis Buyers Cooperative* (2001), who claimed that the Tenth Amendment along with “the

principles of federalism on which our government is based” gave the citizens of California the authority to regulate the distribution of marijuana for medical purposes (Herman, 121). The Supreme Court ruled that even though the people had certain rights retained to them by the Ninth and Tenth Amendments, and that “lower federal courts do enjoy “sound discretion,” this discretion does not allow federal courts to ignore Congress’ judgment expressed within legislation (ibid).”

The Constitution is not specific in its definition of the term “commerce” and historically, the Supreme Court has practiced great flexibility in deciding cases involving the Commerce Clause because of the enormous power to influence the balance of state versus federal control. However, American federalism, the most basic constitutional arrangement is once again being challenged by the recent Supreme Court rulings that permit continued federal interference into state laws that permit patients, some in desperate need, to utilize the most efficacious medicine with the prescription of their personal physician. In the dissenting opinion on *Raich*, “Justice O’Connor lamented that the court had extinguished an experiment on the difficult and sensitive question of whether marijuana should be available to relieve severe pain and suffering (Gostin, 843).” The argument over the balance of power between the individual and the united states has been taking place since the Constitutional Convention in 1787, and that fight continues today with the issue of medical marijuana.

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Pacula, Rosalie Liccardo, and Jamie F. Chriqui, Deborah A. Reichmann, and Yvonne M. Terry-McElrath. "State Medical Marijuana Laws: Understanding the Laws and their Limitations" *Journal of Public Health Policy* 23.4 (2002): 413-439.

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Making a Political Cartoon:

CATEGORY	4	3	2	1
Graphics - Relevance	All graphics are related to the topic and make it easier to understand.	All graphics are related to the topic and most make it easier to understand.	All graphics relate to the topic.	Graphics do not relate to the topic.
Knowledge Gained	Student can accurately answer all questions related to facts in the cartoon and processes used to create the poster.	Student can accurately answer most questions related to facts in the cartoon and processes used to create the poster.	Student can accurately answer about 75% of questions related to facts in the cartoon and processes used to create the poster.	Student appears to have insufficient knowledge about the facts or processes used in the cartoon.
Attractiveness	The cartoon is exceptionally attractive in terms of design, layout, and neatness.	The cartoon is attractive in terms of design, layout and neatness.	The cartoon is acceptably attractive though it may be a bit messy.	The cartoon is distractingly messy or very poorly designed. It is not attractive.
Content - Accuracy	At least 5 accurate facts are displayed on the poster.	3-4 accurate facts are displayed on the poster.	2-3 accurate facts are displayed on the poster.	1 to 2 accurate facts are displayed on the poster.
To Inform	The cartoon reflects a clear and concise understanding of a political event or issue.	The cartoon reflects a general understanding of a political event or issue.	the cartoon reflects a limited understanding of a political event or issue.	The cartoon does not reflect a political event or issue.
To Persuade	The cartoonist's view on the issue is clearly and creatively portrayed.	The cartoonists view on the issue is clearly portrayed.	The Cartoonist's view on the issue is somewhat clear.	The cartoonist view on the issue is not presented clear.

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Assessment Of Persuasive Writing On A Public Issue

SCORING RUBRIC*

The overarching consideration in scoring is the degree to which a student's response has the potential to persuade a reader. Three elements focus the assessment: whether or not the student has (a) taken an informed stand, (b) provided persuasive reasons, and (c) elaborated upon those reasons. Students' essays receive one of five scores:

1 - UNSATISFACTORY

The student has failed to take a stand on the issue under examination, or has taken a stand but has failed to provide a single persuasive reason.

2 - MINIMAL

The student has taken a stand on the issue under examination and has provided at least one persuasive reason, or at least two supportive reasons.

3 - ADEQUATE

The student has taken a stand on the issue under examination and has provided two or more persuasive reasons. Elaboration of reasons is not necessary. The presentation of only one persuasive reason, if elaborated, qualifies for this score.

4 - ELABORATED

The student has taken a stand on the issue under examination, has provided two or more persuasive reasons, and has provided elaboration on at least one of those reasons. Presentation of many persuasive reasons (at least three) without elaboration also qualifies for this score.

5 - EXEMPLARY

The student has taken a stand on the issue under examination and has presented at least two elaborated persuasive reasons and an argument so clear, coherent, and grammatically correct as to merit public display as an outstanding accomplishment for a high school student. There are no significant undermining reasons, faulty assumptions, or irrelevant reasons.

ESSAY NUMBER

SCORE

* Adapted from the NAEP assessment of persuasive writing (1990) and The National Center for Effective Secondary Schools Test of Higher-Order Thinking in Social Studies (1990)

Table 3-1.
GROUP PROCESS OBSERVER CHECKLIST

CRITERIA FOR GOOD DISCUSSIONS	Often	Sometimes	Not Yet
1. We are critical of ideas, not people.			
2. Our purpose is making the best decision, not winning.			
3. Everyone involved participates.			
4. We ask questions to gather and try to understand as much relevant information as possible.			
5. We listen to everyone's ideas even if we do not agree with them.			
6. We restate (paraphrase) what someone has said to demonstrate we understand his or her idea.			
7. We clarify what someone has said if we do not understand his or her idea.			
8. We bring out all the ideas and information supporting both sides, then try to put them together in a way that makes sense to everyone involved.			
9. We try to understand all sides of the issue.			
10. We change our mind when the evidence indicates that we should do so.			
11. We explore the consequences of plans and actions before we adopt one.			
12. We are willing to give up an idea or hold it in abeyance in order to experiment with another's idea.			
13. We summarize what we have said and decided.			
14. We make sure that everyone understands the conclusions we've reached.			
15. We evaluate how well we used these discussion skills.			

to evaluate how well those rules were followed, how productive were their discussions, whether the instructions were followed correctly, and

Wilén, W.W. (1990). *Teaching and Learning Through Discussion: The Theory, Research, and Practice of the Discussion Method*. Springfield, IL: Charles C. Thomas Publisher LTD.

Assessing Discussion of Public Issues: Performance Criteria



Substantive	Procedural
<ul style="list-style-type: none"> <input type="checkbox"/> Stating and identifying issues <input type="checkbox"/> Using foundational knowledge <input type="checkbox"/> Stipulating facts or definitions <input type="checkbox"/> Arguing by analogy <input type="checkbox"/> Supporting statements with explanation, reasons, or evidence <input type="checkbox"/> Recognizing values or value conflicts 	<p data-bbox="1029 317 1167 344">Positives</p> <ul style="list-style-type: none"> <input type="checkbox"/> Responding thoughtfully to the statements of others <input type="checkbox"/> Challenging the accuracy, logic, relevance, or clarity of statements <input type="checkbox"/> Summarizing points of agreement and disagreement <input type="checkbox"/> Inviting contributions from others <p data-bbox="1016 957 1180 984">Negatives</p> <ul style="list-style-type: none"> <input type="checkbox"/> Irrelevant, distracting statements <input type="checkbox"/> Interrupting <input type="checkbox"/> Monopolizing <input type="checkbox"/> Personal attack