I. INTRODUCTION

On June 6, 2005, in Gonzales v. Raich, the United States Supreme Court, in a six-to-three vote, held that “the power vested in Congress by Article I, [section] 8, of the Constitution ‘[t]o make all [l]aws which shall be necessary and proper for carrying into [e]xecution’ its authority to ‘regulate [c]ommerce with foreign [n]ations, and among the several [s]tates’ include[d] the power to prohibit the local cultivation and use of marijuana in compliance with California law.”

While interpretations of the Commerce Clause have been vast, an analysis of the majority’s decision in Gonzales v. Raich will show that the Court acted inconsistently with the congressional limits set forth by Article I, section 8 of the Constitution, and without due consideration of the Tenth Amendment.

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