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### Medical marijuana ruling paved way for ObamaCare

November 15th, 2010, 3:52 pm · 1 Comment · posted by by Alan Bock, Register editorial writer

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David Rittgers of Cato has a [fascinating piece at National Review Online](#) in which he points out that in the current lawsuits over whether an individual mandate to buy health insurance from a private company is constitutional, the administration is using the 2005 Supreme Court decision in *Gonzales v. Raich* to argue that the Commerce Clause authorizes the national government to do almost anything with the most achingly remote relationship to commerce. The Raich case was about medical marijuana, and the high court ruled that even though there was no evidence that the medical marijuana Angel Raich used had ever come close to being in interstate commerce, and even though in obtaining it no money changed hands, the interstate commerce clause gave the feds the power to prohibit such use. (Angel Raich is still using marijuana openly and the feds have made no attempt to arrest her despite the high court's authorization; they simply don't have the resources to go after any but a few symbolic medical marijuana cases.) If the commerce clause is that expansive, certainly it can be used to force people to buy a product they don't especially want.

As Rittgers points out, most conservatives applauded that decision, even though it marked an end to a decade-long attempt by conservatives on the court to limit somewhat the legitimate reach of the commerce clause (which had been expanded beyond anything the founders, who simply wanted to make sure the U.S. was a free-trade zone, would have recognized during the New Deal and beyond). The court's conservatives were particularly hypocritical here, agreeing to interpret a clause they had been attempting to whittle down to size in a much more expansive way than any previous court decision had authorized. But who needs consistency and who cares about states' rights when it's demon-weed marijuana we're talking about? Talk about Reefer Madness!

Rittgers makes the obvious point, as [the Register has also](#), that if conservatives and Tea Partiers are to have the slightest shred of credibility about cutting wasteful spending and limiting government, they need to be willing to look at the wasteful spending and manifest social harm the War on Drugs justifies.

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Orange Punch bloggers write from a particular libertarian point of view. We're dedicated to advancing human freedom and believe that the primary role of government is to defend Americans' liberties. We seek a smaller, more limited government, expanded and freer trade at home and abroad, open markets and secure property rights. We believe in the power and goodwill of the individual; that he or she will aspire to a better tomorrow for themselves, for their family and for the community. We would hope for people to exercise integrity and self-responsibility along the way. The bloggers are Alan Bock, Brian Calle and Mark Landsbaum. The genesis of this particular brand of libertarianism is R.C. Hoiles, founder, Freedom Communications, Inc., parent company of the Orange County Register.

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