**New Bill Regulating Drug X**

Imagine that you are the President of the United States. A new bill is in the works in Congress and is about to come to your desk for your signature. The proposed law would create a new set of rules regarding Drug X, which has both medicinal and recreational uses. It will create a universal federal license to possess Drug X, with a uniform set of criteria for eligibility for a Drug X permit. It will also create federal penalties for the possession of Drug X without such a license.

On the one hand, such a law would create uniform, standardized rules consistent across the entire country. On the other, regulating the use and possession of a medicine or product is not exactly covered in the powers given to the federal government in the Constitution, and uniform policy may not always be for the best if the underlying conditions are different.

Supporters of the bill argue the federal government does have authority to regulate this, and it would be good to have a consistent standard from state to state, rather than a patchwork of laws—for example, if you traveled from one state where Drug X is legal, to one where it is not, you might be punished for possessing a now-banned substance. They also note that it would make access to Drug X easier in some places for patients who would benefit from it.

Critics of the bill argue that it is unconstitutional, and that it takes powers away from the states, in this case, the power to create and enforce laws related to Drug X. They add that this law would violate the Tenth Amendment, since powers not granted to the federal government remain with the states. Moreover, this bill is not simply regulating the sale of Drug X across state lines, they point out, which the federal government would be allowed to do under its power to regulate “interstate commerce.” Instead, the bill intends to regulate the *local* sale of Drug X--and even simply its *possession*--solely within a state, meaning the federal government would be attempting to regulate “interstate commerce” when the actions in question are neither “interstate” (taking place across state lines) nor “commerce” (involving the buying, selling, and transporting of goods).

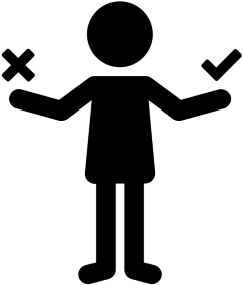
Critics of the bill also argue that there are important tradeoffs about Drug X, which the people of each state should be allowed to make a decision about for themselves. On the one hand, Drug X has some health benefits if used medicinally for specific conditions, but on the other, it also has potentially negative consequences for society and individuals, so states should be able to balance these tradeoffs in designing their own systems and rules for Drug X use. Some states may want to let their citizens have even more medicinal access to Drug X than the federal rules, too. In other words, some states will want looser standards, and others tighter standards.

It is up to you to decide if you will sign the bill, or veto it, whether on grounds that it is a) unconstitutional, b) bad policy and something better left to the states, or c) both.. By signing it you may be ensuring an important policy goal. But by signing it, you may also be violating the Constitution and its system of federalism, by taking powers away from the states that the Constitution leaves with them and imposing a one-size-fits-all rule preventing different states from allowing or prohibiting different rules that match their different environments..

By not signing it, you are leaving the possibility that some states will not allow as much medicinal Drug X use as you think may benefit patients—while others states may allow it to be used and distributed more easily than you would prefer. But if you think the Constitution does not allow the federal government to regulate Drug X (and that instead that power is given to the states), then your veto may a) be following the Constitution and b) would avoid creating a precedent expanding federal power beyond its limits.

Look at the list of Congress’s powers. Is this regulation allowed by one of the powers listed to Congress? Alternatively, is it “necessary and proper” to regulate Drug X in order to achieve one of those enumerated powers? Or is it beyond Congress’s powers and unconstitutional, and thus you have to veto it?

The seven steps below are ones that leaders use almost every single day, and they will help you as you decide whether or not to sign the bill. Good leaders realize that when there is a decision to be made, they need to gather as much information as they can, analyze it, and then make the decision. They know that it’s a bad idea to make major decisions based on personal feelings or to make them with incomplete information.



1. **Identify the decision and its purpose.** 
   1. *In this case, Congress has passed a bill, and you have taken an oath to support the Constitution. Since you have the responsibility of vetoing unconstitutional legislation, you have to decide whether that is necessary here. You also have the ability to veto legislation that you simply think is a bad idea or bad policy.*
2. **Gather information.**
   1. *What do you know about this bill, whom it affects, whether the government has authority to do this, what courts or your predecessors have said about the legality of similar cases? Etc.*
3. **Brainstorm/identify alternatives.**
   1. *What are your options? In this case, they are largely limited*
      1. *Sign the bill.*
      2. *Veto the bill.*
4. **Weigh the evidence.**
   1. *Consider the information and the options that you have.*
5. **Choose from the alternatives.**
   1. *Decide to sign or to veto.*
6. **Implement the decision.**
   1. *Physically sign the bill -- or not.*
7. **In real life, you would evaluate the results.**