Directions: Choose Option One or Option Two below. Answer completely, identifying each section of your answer.

Save two electronic copies of your answer (one with your ID number assigned to you, the other with your ID number and name). Email both copies to Cybele Hinson ch56@txstate.edu. Print and turn in a hard copy as well with both your ID number and name on it.

(1) Colorado and Washington have recently passed legislation legalizing small amounts of marijuana for personal use (although Washington has not yet completed the regulatory structure that will license growers). Assume that an individual holding marijuana is within the legal limits under either state’s law but is arrested and convicted under the federal law prohibiting possession of marijuana. Assume the defendant appeals the federal conviction. Construct a brief for either the convicted appellant or the federal government. Your answer should lay out the arguments for or against overturning the conviction for drug possession of small amounts of marijuana within state limits using arguments identifying Constitutional rights, case precedents, and your knowledge of recent Supreme Court cases (remember an argument “for” a particular holding should also present and refute contrary arguments). After you have done this, then defend your holding using two of the following (make sure you fully describe the philosophy of law before applying it):
   a. Natural law
   b. Positivism
   c. Legal realism

Now moving from law to ethics, consider you are a federal judge deciding the case. You happen to disagree with federal laws criminalizing all amounts of marijuana and believe that far too many people are in prison needlessly because of federal drug laws. Using two of the ethical systems below, explain what the right thing to do is. Make sure you fully describe the ethical system before applying it:
   a. Utilitarianism
   b. Ethical formalism (Kant)
   c. Aristotilian virtue theory
   d. Ethics of care

(2) Note that during the week of June 15th the Supreme Court upheld a law criminalizing “straw” purchases of firearms (meaning that some states make it illegal to purchase guns for someone else) in a narrow 5-4 holding. After the Sandy Hook incident, and the recent shootings in Santa Barbara and Seattle Pacific University by the troubled young college students, imagine that several state legislatures have passed gun laws that restrict purchasing a firearm by males under the age of 25, citing the fact that almost all mass murderers are young men. The law makes no other restrictions on purchase or possession. Upon a challenge to the law, and subsequent appeal, the Supreme Court will be deciding the case and determining whether the law violates the Constitution. Choose a side and present the legal argument (remember an argument presents and rebuts the other side as well). Propose what you think the Supreme Court will decide based on precedent. Now explain whether your proposed holding is consistent or inconsistent with two of the legal philosophies (your choice which two), making sure you fully describe before applying.
a. Natural law
b. Positivism
c. Legal realism

After describing each, argue whether the law is consistent or inconsistent with:

a. Utilitarianism  
and
b. Ethics of care