

Gibbons v. Ogden / The Commerce Clause and Federal Power

Among the enumerated powers granted to Congress in Article I of the U.S. Constitution is the power to regulate interstate commerce. Article I, Section 8, Clause 3 is known as the Commerce Clause. Over time, legislators, lawyers, politicians, and businesspeople have argued over just what the commerce power means. For instance, it may be clear that the commerce power would give Congress the ability to make laws regarding transportation networks, such as train lines and highways, that cross state lines. However, would the commerce power give Congress the ability to establish regulations on the *production* of goods and services that may *eventually* cross state lines? These and other questions regarding the commerce power have been answered by numerous cases heard by the Supreme Court of the United States (see activity titled “How Interpretation of the Commerce Power Has Changed Over Time”). Often Congress and the Supreme Court of the United States have viewed the commerce power rather widely and have expanded the federal government’s power. It can be argued that the Commerce Clause has expanded the power of the federal government more than any other power set out in the Constitution.

Directions: Below are five Supreme Court cases dealing with the issue of the Commerce Clause and an attempt by Congress to expand the power of the federal government. In some of the cases, the Court agreed with Congress’ legislation. In other cases, it ruled against Congress. After reading the short statement, the Oyez summary link, and watching the video clip for each case, explain why the court ruled the way it did.

1. *United States v. EC Knight* (1895)

The Supreme Court ruled that Congress could not regulate the local sale of sugar under the Sherman Antitrust Act.

- **Read:** <https://www.oyez.org/cases/1850-1900/156us1>
- **Watch:** https://www.youtube.com/watch?v=49MuEIwEj_U

Explain why the Supreme Court ruled as it did. Did the Court’s decision increase Congress’ power or hold Congress’ power in check?

2. *Schechter Poultry Corp. v. United States* (1935)

The Supreme Court ruled Congress lacked the power to regulate the local market sale of chickens in New York City.

- **Read:** <https://www.oyez.org/cases/1900-1940/295us495>
- **Watch:** <https://www.youtube.com/watch?v=sF3d93hvAmI>

Explain why the Supreme Court ruled as it did. Did the Court's decision increase Congress' power or hold Congress' power in check?

3. *Wicker v. Filburn* (1942)

The Supreme Court ruled that Congress could limit a farmer's right to grow wheat even if that wheat was not going to be sold in the marketplace.

- **Read:** <https://www.oyez.org/cases/1940-1955/317us111>
- **Watch:** <https://www.youtube.com/watch?v=vy8K0-EiF5U>

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4. *Heart of Atlanta Motel v. United States* (1964)

The Supreme Court upheld Congress' power, under the Civil Rights Act of 1964, to prohibit a private business from discriminating against a person based on their race.

- **Read:** <https://www.oyez.org/cases/1964/515>
- **Watch:** <https://www.youtube.com/watch?v=CWY80CsT5wA>

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5. *Gonzales v. Raich* (2005)

The Supreme Court held that Congress could prohibit the growing of marijuana for medical purposes, even though the state of California permitted it and the growers did not intend to sell it.

- **Read:** <https://www.oyez.org/cases/2004/03-1454>
- **Watch:** <https://www.youtube.com/watch?v=4gPFNDmpnBU>

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