

Gibbons v. Ogden / The Commerce Clause and Federal Power—Answer Key

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?

The Court held Congress’ power in check and would not let it expand the Sherman Anti-Trust Act to regulate what it considered to be intrastate business activity. The Court stated that allowing Congress to regulate the local sale of sugar would result in an expansion of federal power beyond that which the Constitution proscribed.

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?

The Court held Congress' power in check and would not let it expand to the local sale of chickens. The Court did so because regulation of local market sale of chickens was so far removed from interstate commerce that it could not be controlled or regulated by Congress and certainly should not permit the expansion of civil lawsuits. It was this case that caused President Franklin Delano Roosevelt to consider adding more Justices to the Supreme Court in order to gain approval of his New Deal legislation. This case also saw the rise of the "direct" vs. "indirect" test in rulings on Interstate Commerce cases.

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>

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

The Court increased Congress' power. The Court ruled that during a time of war, the use of production limits by the federal government was a valid extension of Congress's power to limit inflation and control the economy, even if the product was not actually sold. This case led to a vast expansion of federal power.

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>

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

The Court's decision in this case expands the power of Congress. The Court has made a link between racial discrimination and the inhibition of interstate commerce. In this case, the focus was on the difficulty for black families to find accommodation; this, the Court contended, kept many families from traveling at all and constituted a burden on interstate commerce. In this case, the Court has again increased the scope of constitutional action for Congress by establishing a link between commerce and a pressing social issue.

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>

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

The Court's decision in this case expands the power of Congress. Possession of marijuana is a federal offense. While the state could decriminalize it, the federal government can invoke the Supremacy Clause and still have the power to regulate the conduct because it is part of a class of activities that may have an effect on interstate commerce. In addition, the fact that marijuana might be transported across state lines, to states where it is illegal, would permit the federal government to regulate that conduct, even if the marijuana in this particular situation was not being sold.