

## Case Brief

Con Law, Commerce clause

Carlson, 3/7/15

### Identity of Case

United States v. Darby, 1941

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### Summary of Facts/Procedural History

Congress passes a law related to lumber manufacturing, with two provisions: (1) forbids the shipment in interstate commerce of lumber manufactured by employees who are paid insufficiently or work in unsafe conditions, and (2) prohibits the employment of men at less than minimum pay/work conditions to create lumber products for interstate commerce.

Darby, a Georgia lumber manufacturer, challenges both provisions as not within the commerce clause powers.

### Statement of the Issue

Are these provisions within the commerce clause powers?

### Holding

Yes. They are different methods of regulating the same thing, creation of articles destined for interstate commerce. Because the manufacture has an effect on interstate commerce by allowing states to compete for monopolies by having the lowest wage requirements, and that unfair competition harms employees and commerce conditions interstate, the law is ok.

### Reasoning

A switch in time saved 9...this reverses Hammer v. Dagenhart and allows the commerce clause to extend into manufacturing on its own power (without even invoking the necessary and proper clause, showing we might even be able to take this power further). The idea is that manufacturing and unfair wage competition actually do have an effect on interstate commerce. As long as the end goal is to better regulate interstate commerce, the means are acceptable.

Hammer v. Dagenhart relied on a distinction (regulation of manufacture v. regulation of commerce) which "was novel when made and unsupported by any provision of the Constitution..." except for maybe the division of police powers and commerce powers. The court decides that regardless of whether the law intrudes into police powers, the effect on interstate commerce is sufficient to enable congress to regulate. The fact that a power can be abused does not mean that the law should not exist, when there are other protections in place through the state via a representative government.

### Evaluation