

## Case Brief

Con Law, commerce clause

Carlson 3/7/15

### Identity of Case

United States v. EC Knight Co., 1895

Page 191

### Summary of Facts/Procedural History

Congress passes the Sherman Antitrust act, which purports to forbid the creation of monopolies. EC Knight, through a series of mergers, acquires a monopoly over literally the entirety of regulated sugar in the state. US sues to break it up, EC Knight resists the law as unconstitutional.

### Statement of the Issue

Is the power to forbid monopolies within the commerce clause?

### Holding

No, although the commerce clause controls the movement of product from one state to another through the entirety of its movement, and the instrumentalities of that movement, and the product being moved, it does not extend to the manufacture of that product, which is separate.

### Reasoning

Policy & limitation of powers, designation of police power to the state. The power to regulate commerce has to end somewhere. Manufacture has an effect on interstate commerce, but is not interstate commerce itself. This law could reach companies that never engage in interstate commerce (that's not true, they are monopolies).

Controlling methods of manufacture, even monopolies of manufacture, intrudes on the police power of the state to provide for the personal freedom and property rights of a state and to provide for the citizens general welfare. Manufacturing should be the line in the sand between commerce clause and police power.

### Evaluation

Not a limitation on the commerce clause, more of a refusal to extend the commerce clause further.