

Interpreting Commerce Law

Directions

For each of the fictional scenarios below, decide if the law is a constitutional use of the power to “regulate interstate commerce.” You will be interpreting these scenarios three times: once as if it were 1850, once as if it were 1950, and once as if it were 2000. Use **Handouts A, B, C, D, and E** to guide your decision making.

Scenario 1

Congress passes a law requiring all boys from ages 6-15 to participate in Little League Baseball. The law calls for using the commerce power to promote both youth health and patriotism, through participation in the national pastime. The family of any boy who does not participate will be found in violation of this federal statute and fined \$1000 that will be used to support youth baseball.

- A. Would this have been considered constitutional in 1850? Explain why, and include evidence to support your position.
- B. Would this have been considered constitutional in 1950? Explain why, and include evidence to support your position.
- C. Would this have been considered constitutional in 2000? Explain why, and include evidence to support your position.

Scenario 2

Congress passes a law using the commerce power to promote public safety by regulating the health of horses used on public lands, roads, and highways within the borders of a state. Any horse that is ridden, or used to pull a cart, wagon, or vehicle of any kind must receive a full physical from a veterinarian licensed by the U.S. federal government. Horses will be evaluated to see if they are fit for the use for which they are to be employed. All horses ridden, or used for riding, to pull a cart, wagon, or any vehicle must have a certificate of health kept with it at all times. The certificate must be made available on demand to an inspector from the Department of Agriculture. Failure to do so will result in a \$500 fine.

- A. Would this have been considered constitutional in 1850? Explain why, and include evidence to support your position.
- B. Would this have been considered constitutional in 1950? Explain why, and include evidence to support your position.
- C. Would this have been considered constitutional in 2000? Explain why, and include evidence to support your position.