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PUDM 4045 B

17 September 2020

Week 2 Assignment

Part 1.

Commerce Clause

Stated under Article I, Section 8, Clause 3 in the United States constitution, the United States congress has the power to regulate commerce with foreign nations and among the several states, including Indian tribes. The clause is an ongoing controversy that questions the balance between the federal government and the states. The clause can grant congressional authority but also regulate and restrict the authority of the state.

There are known four interpretations of the Commerce Clause:

First, the clause gives congress exclusive power to regulate commerce but the state has none to regulate interstate commerce.

Second, both congress and states possess simultaneous power to regulate commerce.

Third, congress and the states each regulate commerce but only within the areas where they have exclusive regulatory power.

Fourth, the clause restricts some ways that states may regulate commerce, but concurrently allow the states and congress to regulate commerce in many other ways.

There are a few examples of this in cases with broad context:

> *Swift and Company v. United States*, 196 U.S. 375 (1905) - local interstate commerce could be regulated by congress if there was movement of goods and services
>
> *NLRB v. Jones*, *United States v. Darby*, 312 U.S. 100 (1941) and *Wickard v. Filburn*, 317 U.S. 111 (1942) - the supreme court could regulate commerce if the activity had "substantial economic effect" or if the "cumulative effect" was significant

There are a few examples of this in cases with specific interpretation:

> *United States v. Lopez*, 514 U.S. 549 (1995) - The defendant in this case was charged with carrying a handgun to school and argued that the federal government had no authority to regulate firearms in local schools. However, the government claimed that this fell under the Commerce Clause because violent crimes affect general economic conditions. The court rejected the government's argument because the presumption was too broad.

https://study.com/academy/lesson/the-commerce-clause-definition-analysis-cases.html

https://www.law.cornell.edu/wex/commerce_clause

Part 2.

New York Times v. Sullivan

In 1964, during the Civil Rights movement, the New York Times posted an advertisement with Martin Luther King Jr. front page. They were asking for funds to help the movement. However, the ad portrayed the Alabama police in a brutal and negative light by making allegations against the police. The city public commissioner, L.B. Sullivan, sued the New York Times for printing false allegations. Sullivan knew the newspaper was targeting him even though the ad never mentioned his name. He claimed the "tort of defamation", or that the newspaper was ruining his reputation, and wanted restitution. In the Alabama court, Sullivan won his case and the New York Times was ordered to pay $500,000 in damages.

The New York Times appealed the Supreme Court, arguing that they didn't mean to target L.B. Sullivan. Their argument was that they would have had to print the ad with knowledge of or reckless disregard for its falsity. The Supreme Court ruled in favor of the New York Times as the newspaper didn't have malice intentions. This instance was one where they enforced the first amendment, the freedom of press and speech.

https://www.oyez.org/cases/1963/39