

1. Two years ago, Congress enacted a statute requiring that all motor vehicles manufactured after January 1 of this year be equipped with air bags on both the driver's side and the passenger's side of the front seat of each vehicle. The statute also prohibited owners, drivers, and occupants of such vehicles from removing or disabling the air bags. Last month, Art Anderson purchased a new vehicle and immediately disabled the passenger-side air bag. For this act, he was convicted and fined in federal court, in spite of uncontroverted evidence that he never drives his car outside his small village of Hicktown, State of Franklin. Art's case finally was decided by the United States Supreme Court. What result, and why?

BEST ANSWER

The issue in this case is whether Congress has the power to regulate an activity that as Art contends, only occurred in Hicktown in the State of Franklin. This power to regulate has had a broad interpretation. According to the Commerce Clause, Congress has the power to regulate all interstate activities that have a substantial effect on interstate commerce and all instrumentalities effecting interstate commerce. By requiring air bags, Congress is exercising their power to regulate under all three sets of circumstances. The air bags make passengers safer when involved in accidents: therefore, make the roads safer to promote interstate commerce. Also, safer cars that lead to more drivers can have a substantial effect on interstate commerce because people would travel more. That would lead to more purchasing and demand of goods, including those from other states. Lastly, cars are an instrumentally of interstate commerce since that is how most consumers get to the stores to buy the goods. Given all these factors, congress had the power due to the commerce clause to pass this statute. Finally the Supremacy Clause clearly makes federal laws applicable to all United States citizens and residents regardless of their specific state law. Therefore no state law could excuse Art's behavior because the federal statute would override it. Art Anderson's conviction and fine would stand.

2. Last year, a fascist dictatorship in Byelorussia declared war, against the Ukraine. The United Nations Security Council unanimously declared Byelorussia to be an aggressor nation, create a military force to send to the Ukraine to repel Byelorussia's aggression against the Ukraine, and requested member nations of the U.N. to provide military personnel to serve in this United Nations force. Pursuant to the Security Council resolution, and without submitting the matter to Congress, the President of the United States ordered American military forces to Eastern Europe to participate in the United Nations military action. The President's action was challenged on constitutional grounds by several groups of plaintiffs, and the case ultimately was decided by the United States Supreme Court. Assuming the issue is justiciable, what result, and why?

BEST ANSWER

The issue is whether the President has the authority to participate in a military action without Congressional approval. The Rule is that under the Constitution, congress has the power to "declare war" and the President is the "Commander-in-Chief". Historically, there has been much debate over whether the President can act in war-related activity without congressional approval. The only time the supreme court heard this debate was when the President was acting defensively. When the President is acting defensively, it is clear that the President has the authority without congressional approval. However, the distinction between offensive and defensive is hard to manage, and under that it is the president who decides offensive and defensive. Historically, Presidents have acted without congressional approval in 4 areas, when the US purports to be neutral in a war but then gives economic aid to one side, when the President says he is trying to protect US citizens and property located elsewhere, when the US is attacked and when the President is taking part in a treaty, like the situation here. The Supreme Court is likely to conclude that the President had the authority to send out troops. Because the President was acting pursuant to a treaty and because the US, for efficiency and practical reasons needs the President to be able to act without congressional approval, the President has the authority to act militarily without congressional approval.

3. Two years ago, Congress became concerned about the number and deaths resulting from accidents on our nation's highways. Consequently, Congress enacted a national speed limit of 55 miles per hour, but authorized states to set even lower limits. The statute also requires state policy and local law enforcement authorities to enforce the national speed limit. Another provision of the statute requires that states pay a minimum of ten dollars per hour to state law enforcement authorities. The State of Franklin filed a suit in federal court, conceding the validity of the national speed limit but challenging the requirement that state and local authorities enforce the speed limit and the ten dollar per hour requirement. The case finally was decided by the United State Supreme Court. What result, and why?

BEST ANSWER

There are two issues in this case. First, does congress have the authority to make state offices enforce a federal statute? Second, can require states to set a minimum wage for law enforcement officials. First, by case precedent of US, congress can't force state law officials to regulate the speed limits. This is an obstruction of federalism and infringes on the government of the state. Since congress can't mandate state officials to enforce the speed limit that part of the statute will be deemed unconstitutional. Historically, the 10th amendment protects state sovereignty and gives state police power to maintain health and safety. It seems likely they will be in favor of Franklin. However, if congress would have withheld funds to Franklin, the State of Franklin might have not challenged the act. Minimum wage for law enforcement officials. This case comes from Garcia. The court allowed congress to regulate the states and declare a minimum wage.