

## Additional Commerce Clause Questions

*Lopez* and *Morrison* will be discussed on February 10.

1. In discussing federalism, we focus on the 10<sup>th</sup> Amendment, the Commerce Clause, and the Necessary and Proper Clause.
  - a. What does the 10<sup>th</sup> Amendment say, what does the Commerce Clause say, and what does the Necessary and Proper Clause say?
  - b. Take the position of a person arguing on behalf of States' rights. How would you interpret each of these clauses/amendments to support your position?
  - c. Take the position of a person arguing on behalf a broad power of Congress to regulate commerce. How would you interpret each of these clauses/amendments to support your position?
2. How was the federal commerce power defined in:
  - a. *McCulloch*
  - b. *Gibbons*
  - c. *Knight*
  - d. *Champion*
  - e. *Hammer*
  - f. *Stafford*
  - g. *Carter*
  - h. *NLRB*
  - i. *Darby*
  - j. *Wickard*
  - k. *Lopez*
  - l. *Morrison*
3. If the case discussed it, for each of the above cases, how was the States' power to regulate commerce defined?
4. What are the four stages of federalism (discussed on 2/8)?
5. What was the reaction to *Lopez* and *Morrison* (discussed in newspaper articles)?
6. What is the "substantial relation" test and how does it help decide *Morrison*?