Background on Three Constitutional Cases

Case 1: *Youngstown Sheet and Tube Co. v. Sawyer*

In 1952, the Korean War was in full swing. The war effort demanded that more and more weapons be made, which required the production of more and more steel. President Truman worried about an imminent strike by the United Steelworkers of America and foresaw the detrimental effect this strike could have on national defense. He issued an executive order authorizing his secretary of commerce to seize control of the steel industry and keep the steel mills operating. The president immediately reported his order to Congress, which took no action in response.

The mill owners filed suit against President Truman's secretary of commerce in federal district court. They argued that the president's order was an example of lawmaking, a power granted to Congress and not to the president. In other words, they did not deny that the government could take over their property in the event of an emergency. They simply argued that another branch of government rightfully had the power to do it.

The federal government responded that the executive order was issued to prevent a national catastrophe that would have resulted if steel production had halted. They further argued that the president was acting within the boundaries of his constitutional powers as commander in chief of the armed forces of the United States.

The case was brought before the Supreme Court to decide this question:

Does the president have the power, as commander in chief of the armed forces, to seize control of an industry during wartime?

After you have reviewed the relevant parts of the Constitution, predict what the Supreme Court will decide.

☐ Yes, the president has the power to seize control of an industry during wartime.

☐ No, the president does not have the power to seize control of an industry during wartime.

Case 2: *Gonzales v. Raich*

In 1970, Congress passed the Controlled Substances Act, which categorizes certain drugs based on what Congress believes to be their medical value. Under that act, Congress asserted that marijuana has no accepted medical value. As a result, it remains an illegal substance in the United States.

Twenty-six years later, in 1996, voters in California passed Proposition 215. This state law legalized marijuana for medical purposes and allowed patients to use and grow the plant within the state. However, after the law was passed, federal law enforcement agents in California began raiding properties and seizing marijuana crops from people who were growing it for medical purposes, arguing that federal law trumped state law.

In 2002, Angel Raich and Diane Monson sued the federal government. They hoped to stop the government from interfering with their state-sanctioned right to use and grow marijuana for medical purposes. The women claimed that under California state and local law, it was legal to grow and use medicinal marijuana. Raich's physician noted that Raich would die without marijuana. Monson explained that she grew marijuana plants as part of a cooperative venture with other patients and that no money ever changed hands. Therefore, she said, her actions had no direct impact on interstate activity or commerce.

In 2003, a court of appeals found that the Controlled Substances Act was an unconstitutional exercise of Congress's Commerce Clause authority, which gives Congress the power to regulate trade between states. The court held that growing and using marijuana within a state did not substantially affect interstate commerce and therefore could not be regulated by Congress.

In 2004, the case was brought to the Supreme Court to decide this question:

Does Congress's power to make laws and regulate commerce allow the federal government to prohibit activities that are in compliance with state law?

After you have reviewed the relevant parts of the Constitution, predict what the Supreme Court will decide.

- ☐ Yes, the federal government has the power to prohibit activities that comply with state law.
- ☐ No, the federal government does not have the power to prohibit activities that comply with state law.

Case 3: *Hamdi v. Rumsfeld*

In 2001, the United States was in Afghanistan fighting against the Taliban in the war on terrorism. While there, the United States military arrested an American citizen whom they believed was fighting on behalf of the Taliban and, therefore, had "adhered to" an enemy of the United States. This citizen, Yaser Esam Hamdi, was labeled an "enemy combatant" and sent to a military prison in Virginia for an indefinite amount of time.

Hamdi declared that his Fifth Amendment rights were being violated since he was being held indefinitely and was being denied the right to a trial. His lawyer filed a petition in federal district court declaring Hamdi's imprisonment unconstitutional. The government's response was that the executive branch could, during wartime, declare anyone who took up arms against the United States to be an enemy combatant and deny that person a trial.

The court decided in favor of Hamdi, and the government was ordered to immediately release him from prison. However, a court of appeals reversed the decision, determining that the judicial branch was not equipped to consider a case involving overseas conduct. They felt it was in the nation's best interests to allow the executive branch to determine who might qualify as an enemy combatant.

The case was then brought before the Supreme Court in 2004 to decide this question:

Does the executive branch have the power to suspend a citizen's civil rights during times of war?

After you have reviewed the relevant parts of the Constitution, predict what the Supreme Court will decide.

☐ Yes, the executive branch has the power to suspend a citizen's civil rights during times of war.

☐ No, the executive branch does not have the power to suspend a citizen's civil rights during times of war.