gressional conception of public policy that interstate commerce should not be made the instrument of competition in the distribution of goods produced under substandard labor conditions, which competition is injurious to the commerce and to the States from and to which the commerce flows."[927] In support of the decision, the Court invoked Chief Justice Marshall's reading of the Necessary and Proper Clause in *McCulloch v. Maryland* and his reading of the Commerce Clause in *Gibbons v. Ogden*.[928] Objections based on the Tenth Amendment were met with the same point of view: "Our conclusion is unaffected by the Tenth Amendment which provides: 'The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.' The amendment states but a truism that all is retained which has not been surrendered. There is nothing in the history of its adoption to suggest that it was more than declaratory of the relationship between the national and State governments as it had been established by the Constitution before the amendment or that its purpose was other than to allay fears that the new National Government might seek to exercise powers not granted, and that the States might not be able to exercise fully their reserved powers."[929]

Subsequent decisions of the Court took a very broad view of which employees should be covered by the act,[930] and in 1949 Congress to some degree narrowed the permissible range of coverage and disapproved some of the Court's decisions.[931] But, in 1961,[932] with extensions in 1966,[933] Congress itself expanded by several million persons the coverage of the act, introducing the "enterprise" concept by which all employees in a business producing anything in com-

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[927] United States v. Darby, 312 U.S. 100, 115 (1941).

[928] 312 U.S. at 113, 114, 118.

[929] 312 U.S. at 123–24.

[930] *E.g.*, Kirschbaum v. Walling, 316 U.S. 517 (1942) (operating and maintenance employees of building, part of which was rented to business producing goods for interstate commerce); Walton v. Southern Package Corp., 320 U.S. 540 (1944) (night watchman in a plant the substantial portion of the production of which was shipped in interstate commerce); Armour & Co. v. Wantock, 323 U.S. 126 (1944) (employees on standby auxiliary firefighting service of an employer engaged in interstate commerce); Borden Co. v. Borella, 325 U.S. 679 (1945) (maintenance employees in building housing company's central offices where management was located though the production of interstate commerce was elsewhere); Martino v. Michigan Window Cleaning Co., 327 U.S. 173 (1946) (employees of a window-cleaning company, the principal business of which was performed on windows of industrial plants producing goods for interstate commerce); Mitchell v. Lublin, McGaughy & Associates, 358 U.S. 207 (1959) (nonprofessional employees of architectural firm working on plans for construction of air bases, bus terminals, and radio facilities).

[931] *Cf.* Mitchell v. H.B. Zachry Co., 362 U.S. 310, 316–318 (1960).

[932] 75 Stat. 65.

[933] 80 Stat. 830.