

Sec. 8—Powers of Congress

Cl. 3—Power to Regulate Commerce

promote the general welfare, material, and moral.”⁹⁷³ At the same time, the Court made it plain that in prohibiting commerce among the states, Congress was equally free to support state legislative policy or to devise a policy of its own. “Congress,” it said, “may exercise this authority in aid of the policy of the State, if it sees fit to do so. It is equally clear that the policy of Congress acting independently of the States may induce legislation without reference to the particular policy or law of any given State. Acting within the authority conferred by the Constitution it is for Congress to determine what legislation will attain its purpose. The control of Congress over interstate commerce is not to be limited by State laws.”⁹⁷⁴

In *Brooks v. United States*,⁹⁷⁵ the Court sustained the National Motor Vehicle Theft Act⁹⁷⁶ as a measure protective of owners of automobiles—that is, of interests in “the State of origin.” The statute was designed to repress automobile thefts, notwithstanding that such thefts antedate the interstate transportation of the article stolen. Speaking for the Court, Chief Justice Taft, at the outset, stated the general proposition that “Congress can certainly regulate interstate commerce to the extent of forbidding and punishing the use of such commerce as an agency to promote immorality, dishonesty, or the spread of any evil or harm to the people of other States from the State of origin.” Noting “the radical change in transportation” brought about by the automobile, and the rise of “[e]laborately organized conspiracies for the theft of automobiles . . . and their sale or other disposition” in another jurisdiction from the owner’s, the Court concluded that such activity “is a gross misuse of interstate commerce. Congress may properly punish such interstate transportation by anyone with knowledge of the theft, because of its harmful result and its defeat of the property rights of those whose machines against their will are taken into other jurisdictions.” The fact that stolen vehicles were “harmless” and did not spread harm to persons in other states on this occasion was not deemed to present any obstacle to the exercise of the regulatory power of Congress.⁹⁷⁷

The Darby Case.—In sustaining the Fair Labor Standards Act⁹⁷⁸ in 1941,⁹⁷⁹ the Court expressly overruled *Hammer v. Dagenhart*.⁹⁸⁰ “The distinction on which the [latter case] . . . was rested that Con-

⁹⁷³ *Hoke v. United States*, 227 U.S. 308, 322 (1913).

⁹⁷⁴ *United States v. Hill*, 248 U.S. 420, 425 (1919).

⁹⁷⁵ 267 U.S. 432 (1925).

⁹⁷⁶ 41 Stat. 324 (1919), 18 U.S.C., §§ 2311–2313.

⁹⁷⁷ 267 U.S. at 436–39. See also *Kentucky Whip & Collar Co. v. Ill. Cent. R.R.*, 299 U.S. 334 (1937).

⁹⁷⁸ 29 U.S.C. §§ 201–219.

⁹⁷⁹ *United States v. Darby*, 312 U.S. 100 (1941).

⁹⁸⁰ 247 U.S. 251 (1918).