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1. What claims can Chemco Inc Make under the United States Constitution and how should the court rule?

Chemco would need to have standing to bring a claim under the US constitution.

STANDING

In order to have standing one needs to have, causation, injury and redressibility. The issue has to not be moot and not be ripe.

Causation

The injury has to be caused by the government entity.

Injury

There has to be a relationship between the injury and the action of the government entity.

Redressibility

The court has to be able to address the injury and be able to provide a remedy for the injury created by the government.

In this case, Chemco would argue that they have standing to bring a claim against State X because State X passed the Organic Farming Act which does not allow chemical and pesticides in state X. Chemco would argue that since the passing of this Act, they have lost revenue, and it has injured their company, since a significant portion of their revenue came from sales in state X. Chemco would ask the court to address this act and reverse it to not burden interstate commerce, they would argue that by passing the act State X violated the dormant commerce clause and the act law should be held unconstitutional. (see below)

Conclusion

Although Chemco is not a person, they would likely still have standing to bring the suit because they have an injury by not being able to do business in state X.

Congressional power

In general congress has the power of regulating interstate commerce under the commerce clause.

The Commerce Clause

In the constitution the commerce clause gives congress the power to regulate interstate commerce, including all instrumentalities of commerce.

Dormant commerce Clause

The dormant commerce clause is a clause recognized by the courts that says states normally cannot burden interstate commerce by treating consumers of other states differently or by passing laws that will burden interstate commerce.

Exceptions to Dormant commerce clause

There is an exception to the dormant commerce clause the **Market Participant Exception**.

Market Participant Exception states that a state can regulate and impose limitations on interstate commerce if it is acting as a market participant.

There is another exception where states are allowed to interfere with interstate commerce, only if the state can prove their law is significantly related to government interest and its fulfilling that interest.

In this case, Chemco would argue that the dormant commerce clause is being violated by state X since their organic act prevents them from doing business in state X and they have lost revenue because of the actions of state X.

State X would argue that their law is significantly related to a government interest, they passed the law to prevent the use of chemical fertilizers because it contributed to a measureable amount of environmental harm and increased the threat to the health of farmers produce. State X will also argue they want to preserve the existence of small farms and "protect those farmers and their way of life".

Conclusion

The court would find that State X's law is not significantly related to a government interest, since they are only trying to "protect a farmers way of life". The law is discriminatory on its face and imposes a burden on interstate commerce.

Privileges and immunities clause

The privileges and immunities clause states that each state shall give citizens of other states the same privilege and immunities as it gives its own citizens.

States also are allowed to have police powers as long as they are doing it for the welfare of its citizens. Which means they can pass laws for the general welfare of its citizens.

Similar to the argument above, Chemco would argue that as citizens of state Y, they are unduly burden, because they do not receive the same privileges and immunities as citizens from state X. They are not allowed to sale any produce to state X citizens, and all publicly funded state X institutions are only allowed to buy organic produce from state X.

Conclusion

The court would likely find that State X is in violation of the privileges and immunities clause since they are discriminating against state Y Chemco by not affording them the same privileges and immunities as the farmers in their state.

2. What claims can A&L Berries make under the United States constitution and how should the court rule?

A&L would have to have standing to bring a claim against State X.

STANDING

In order to have standing one needs to have, causation, injury and redressibility. The issue has to not be moot and not be ripe.

Causation

The injury has to be caused by the government entity.

Injury

There has to be a relationship between the injury and the action of the government entity.

Redressibility

The court has to be able to address the injury and be able to provide a remedy for the injury created by the government.

A&L would argue they have standing because they sell their products to consumers in state X, and the Organic Act prevents them from selling their strawberries to state X citizens. They would say there is a loss of revenue that comes with the Organic Act, and the court has the ability to reverse the act to not burden interstate commerce.

Similar to the argument by Chemco, A&L is a partnership that sells organic strawberries to consumers in state X.

A&L would argue that they are also being discriminated against but under the Equal protection clause in the United states Constitution.

The Equal Protection Clause states that the government cannot treat a group of people differently in comparison to other people. The government is not allowed to infringe on fundamental rights like right to travel, marry, private education among other rights.

This goes hand in hand with the **Due process clause** which requires the government to afford due process to all its citizens, each citizen is entitled to a hearing if their due process is violated and the substantive due process.

There are three scrutiny levels.

Strict scrutiny which is used when the government violates a fundamental right as previously stated. The burden is on the government to prove that the law is serving a compelling interest

and it is narrowly tailored.

Intermediate scrutiny which is normally used when the government violates a right related to illegitimacy and gender. The burden is on the government to prove that the law is substantially related to an important government interest.

Rational basis which is normally used in all other cases. The burden is on the plaintiff to prove that the law is not rationally related to a government interest.

In this case since their is fundamental right being violated, and its not related to gender or illegitimacy, the court would use rational basis to determine whether there was an equal protections violation.

A&L would have to prove that the law passed by state X that requires all publicly funded state X institutions only buy their products from state X farmers is not rationally related to a government interest. A&L would argue that promoting the existence of life of the farmers is not sufficiently related to a government interest and as such they should be allowed to sell to State Y.

Conclusion.

The court would likely find that the argument for the preservation of existence of small farmers and way of life

is not sufficient to constitute a rationally related government interest. The court would likely hold that this is a violation of the equal protection clause and A&L should be able to do business in state X.

3. What claims can Organic Produce Inc Produce under the United States Constitution and how should the court rule?

Organic Produce would have to prove that they have standing to bring a claim against State X.

STANDING

In order to have standing one needs to have, causation, injury and redressibility. The issue has to not be moot and not be ripe.

Causation

The injury has to be caused by the government entity.

Injury

There has to be a relationship between the injury and the action of the government entity.

Redressibility

The court has to be able to address the injury and be able to provide a remedy for the injury

created by the government.

Similar to A&L Organic produce has standing because they have lost business and revenue since certain businesses will no longer do business with them because of the Organic Law passed by state X. The court has the power to reverse the act to not burden interstate commerce and not violate the equal protection clause.

Claim for Violation of Dormant commerce clause

As stated above, Organic produce inc would bring the claim of a violation of the dormant commerce clause, which was referenced to previously. Organic produce would argue that the state is not acting as a market participant or in the interests of its citizens, there is no substantially related government interest to have all produce in the state only be bought by farmers in the state. They would emphasize "protecting the way of life" is not a sufficient enough argument.

Claim for violation of Privileges and immunities

The privileges and immunities clause states that each state shall give citizens of other states the same privilege and immunities as it gives its own citizens.

States also are allowed to have police powers as long as they are doing it for the welfare of its citizens. Which means they can pass laws for the general welfare of its citizens.

They would also bring a suit for a violation of the privileges and immunities clause, since State X is not affording their company the same rights as companies located in State X. Similar to Chemco, Organic produce would argue that as citizens of state Y, they are unduly burden, because they do not receive the same privileges and immunities as citizens from state X. They are not allowed to sale any produce to state X citizens, and all publicly funded state X institutions are only allowed to buy organic produce from state X.

Conclusion

The court would find that there is a violation of the privileges and immunities clause by State X since they are not allowing the citizens of state Y to have the same privileges as state X citizens.

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