

## CHAPTER OVERVIEW

### 4: Constitutional Law and US Commerce

#### Learning Objectives

After reading this chapter, you should understand the following:

- Explain the historical importance and basic structure of the US Constitution.
- Know what judicial review is and what it represents in terms of the separation of powers between the executive, legislative, and judicial branches of government.
- Locate the source of congressional power to regulate the economy under the Constitution, and explain what limitations there are to the reach of congressional power over interstate commerce.
- Describe the different phases of congressional power over commerce, as adjudged by the US Supreme Court over time.
- Explain what power the states retain over commerce, and how the Supreme Court may sometimes limit that power.
- Describe how the Supreme Court, under the supremacy clause of the Constitution, balances state and federal laws that may be wholly or partly in conflict.
- Explain how the Bill of Rights relates to business activities in the United States.

The US Constitution is the foundation for all of US law. Business and commerce are directly affected by the words, meanings, and interpretations of the Constitution. Because it speaks in general terms, its provisions raise all kinds of issues for scholars, lawyers, judges, politicians, and commentators. For example, arguments still rage over the nature and meaning of “federalism,” the concept that there is shared governance between the states and the federal government. The US Supreme Court is the ultimate arbiter of those disputes, and as such it has a unique role in the legal system. It has assumed the power of judicial review, unique among federal systems globally, through which it can strike down federal or state statutes that it believes violate the Constitution and can even void the president’s executive orders if they are contrary to the Constitution’s language. No knowledgeable citizen or businessperson can afford to be ignorant of its basic provisions.

[4.1: Basic Aspects of the US Constitution](#)

[4.2: The Commerce Clause](#)

[4.3: Dormant Commerce Clause](#)

[4.4: Preemption- The Supremacy Clause](#)

[4.5: Business and the Bill of Rights](#)

[4.6: Cases](#)

[4.7: Summary and Exercises](#)

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