

Crosby v. national foreign trade council

[Economics](#), [Trade](#)



Crosby V. National Foreign Trade Council (99-474) 530 U. S. 363 (2000) 181 F. 3d 38, Affirmed. Crosby, Secretary of Administration and Finance of Massachusetts, Et Al. V. National Foreign Trade Council. Certiorari to the United States Court Of Appeals for the First Circuit. No. 99—474. Argued March 22, 2000—Decided June 19, 2000 2. Substantive Facts The State of Massachusetts barred companies of the state from going into financial negotiations with those companies that were having financial transaction with Burma.

This law was passed in 1996. This law was followed by a subsequent conditional and mandatory imposition of sanctions on Burma by the Congress. After these incidents dissents arise from different quarters and the Council acted as respondent suited a file against the State of Massachusetts. The reason behind this was that much of the members of the Council were affected by the law. This suit was filed in the Federal Court. 3. Procedural History

The main aspects of the issue was related to the fact that it was claimed that the State of Massachusetts was acting in an unconstitutional manner and it was an alleged infringement “ on the federal foreign affairs power, violates the Foreign Commerce Clause, and is preempted by the federal Act. The District Court permanently enjoined the state Act’s enforcement, and the First Circuit affirmed” (Supreme Court of The United States, 1). 4. Issues legal question

The fundamental legal question in this context was whether it was permitted under the jurisdiction of the State of Massachusetts to intervene in issues related to imposition of law that would directly affect a State and whether it

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was permitted under the jurisdiction of the State of Massachusetts to infringe on the grounds of Federal Foreign Affairs. 5. Broad holding Under the broad parameters of the law it could be stated that it is important to uphold the national policies in order to defend the Congress's intention of foreign policies.

Under the same parameters it could also be stated that the policies of the Federal Foreign Affairs should not face any obstacle under any circumstances. It could be stated that "the state Act interferes with Congress's intention to limit economic pressure against the Burmese Government to a specific range" (Supreme Court of The United States, 1). 6. Narrow holding The specific facts of this case indicated that the "Congress's failure to preempt state and local sanctions demonstrates implicit permission—is unavailing" (Supreme Court of The United States, 1).

However it should be stated that the basic assumption of the Supreme Court Clause hardly recognizes the conflict of interest between State Law and Federal Law system. 7. Doctrinal Reasoning The ruling stated that "the state Act is preempted, and its application unconstitutional, under the Supremacy Clause" (Supreme Court of The United States, 1). It should be mentioned that the doctrinal reasoning behind this rule is based on different previous cases and follows a specific line of explanation.

It was stated that "even without an express preemption provision, state law must yield to a congressional Act if Congress intends to occupy the field, California v. ARC America Corp. , 490 U. S. 93, 100, or to the extent of any conflict with a federal statute, Hines v. Davidowitz, 312 U. S. 52, 66—67" (Supreme Court of The United States, 1). Additionally the "Barclays Bank PLC

v. Franchise Tax Bd. of Cal. , 512 U. S. 298” was also used (Supreme Court of The United States, 1).

It was reasoned that the State law was barring the basic objectives and purposes of the Congress it was not possible to oblige both the Federal and the State Law at the same time and no individual or party was able to satisfy both laws at one time. It also stated that “ the state Act is such an obstacle, for it undermines the intended purpose and natural effect of at least three federal Act provisions” (Supreme Court of The United States, 1). 8. Policy Reasoning The social consideration in this context of the case between Crosby V.

National Foreign Trade Council was very clear and precise as the fundamental question of the case was directly related to the international status of the country and the credibility of the National Foreign Trade Council as an effective policy maker. Thus the greater aspects of the national integrity were taken into consideration while ruling. 9. Miscellaneous The basic dissent relating to the case Crosby V. National Foreign Trade Council raised from the fact that it was argued that the National Foreign Trade Council should not be taken into consideration while judging the internal financial activities of a State.

It is also argued that a State is assumed as a fundamental sovereign power to impose of rule out policies that are associated with the State affairs. Thus it was argued that the ruling was against the sovereignty of the State.

References: Supreme Court of The United States. 2000. Crosby V. National Foreign Trade Council (99-474) 530 U. S. 363 (2000). Supreme Court

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