

Original need for the commerce clause

Law



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Original need for the Commerce Clause The Commerce Clause is a power listed in the US constitution describing the powers of the federal government to regulate commerce between the US and foreign countries, among the several States and trade with Indian tribes. The commerce clause draws its meaning and original intent/need from the preceding mercantilist tradition. Johnson (2004) states that the original debates over the adoption of the constitution, termed as 'regulation of commerce' was almost purely as a cover of words for particular mercantilist proposals that were related to foreign trade and deep-water shipping.

The original concrete programs that were targeted by the clause by giving Congress the authority to regulate commerce were, giving protection or subsidy to favored domestic merchants, restrictions on international trade and punishing foreign producers or imports. The clause was therefore adapted because of the need to nationalize tariffs on imports or state imposts (Gould, 1980). From this, it is evident that neither interstate commerce and trade with Indians was a significant issue in the clause's original intent/debate.

The often claims regarding the purpose of the clause is that it was meant to avert protectionist economic policies among all the US States and to launch common market characterized by free trade across the borders of all states. However, barriers on interstate commerce were not an issue in the original debates. As Johnson (2004) explains, the constitution was put down before Adam Smith with its meaning originating from the mercantilist tradition that existed then but free trade and laissez faire came to dominate the dominant economic thinking later on. Looking at the current description of the clause, it is clear that the Commerce Clause are not the proper descriptions of the <https://assignbuster.com/original-need-for-the-commerce-clause/>

original meaning and need of the clause.

References

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