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What claim can Chamco, Inc. make under the US Constitution and how should the court rule?

Standing

To bring a lawsuit under the US Constitution, there must be standing. Organization standing requires members has personal standing; harm, causation, and redress; the harm is substantially related to the organization. Here, Chemco is in nearby state Y, and a chemical fertilizer, pesticide manufacture that has always had a significant portion of its revenue come from sales in state X. There is harm because State X enacted the Organic Act that limits the organization's revenue. There is causation because without the law, Chemco would not be harmed. There is proper solution for the court to provide, which is invalid the Organic Act. The members of Chemco may lose their jobs if Chemco loses the revenue. This issue is germane to Chemco because they are located near State X and the most of revenue come from State X. The Organic Act caused the injury to Chemco.

Ripeness

The injury must be still happening and affecting, not mooted. Here, the State X has already enacted the Organic Act, which is effecting Chemco. Therefore, this case is ripe.

State Action:

To bring a lawsuit under the US Constitution, there must be state action. The harm is originated by the state or the state involved the harm. Here, State X enacted the Organic Act. The State X is legitimate state; thus, there is state action.

Anti-commandeer

If Congress is silence, the state has power to enact the state law (based on anti-commandeer). Here, there is no conflict between federal and state. Therefore, the State X has power to regulate the area federal government is silence.

Dormant Clause

State is allowed to regulate interstate commerce if state has substantial interest to achieve non-economic important state interest, and there is no reasonable alternative available. The state interest include local interest.

Here, State X banned the sale and use of chemical fertilizers and pesticides in State X and also bans the sale of any produce grown with or treated by chemical fertilizers and pesticides because State X found chemical fertilizers and pesticides contributed to measurable environmental harm. For state, it is important to provide safe environment for the people in the state. Thus, State X has the important interest and the law is not directly

achieve economic interest because State X's interest is to not harm the soil in state X.

Next, if there is reasonable alternative available, the law may be invalid. Here, the State X's interest is not to have any products made by the chemical fertilizer, this regulation seems like too harsh. Chemco might argue that in order to reach State X's interest, they might separate the products and label with or without chemical.

Balance Test:

The court might compare the local interest and the burden of the out of town company. Here, the local interest is not have any chemical fertilizer products. Chemco is especially use chemical fertilizers, so the burden is really high.

Local Interest:

Although the law is not facially discriminate out of state company, the court may look at the impact of the local interest. Here, State X has many small farms selling organic produce, which is grown without the use of any chemical fertilizers or pesticides. It seems like a big impact to protect local interest because Chemco inc is a chemical fertilizer and pesticide manufacture and not in State X.

Defense:

State market participant: The facts do not state any market participation by State X.

Congress consent: The facts do not state any Congress' agreement.

Local interest: The state X has the strong local interest to protect many small farms in state X. Here, State X legislatyure also declared that it wanted to preserve the existence of small farms and to protect hose farmers way of life. Therefore, this exception can be applied.

Therefore, the court might rule the Organic Act is valid to protect local interest.

P and I (Title IV)

Title IV limit the state to treat unfairly for out of towners to work in the state. The state can limit evil act if the law is directly and substantially affect to the evil. Here, Chemco is using the chemical but it does not consider the evil act. Thus, P and I does not apply.

What claim can A & L Berried make under the US Constitution and how should the court rule?

Standing: rule please see the above. A & L has an corporation standing because of the Organic Act, A & L lose business selling strawberries directly to consumers in State X.

State Action: same of above.

Dormant Clause (Rule same as above)

As mentioned State X has important interest not to harm soil by chemical fertilizers or pesticides. Because A & L are partnership that grows and sells organic strawberries in state Y. They do not use fertilizers, thus, the act is not related to the A&L.

Therefore, the court rule for A&L.

What Claims can Organic Produce, Inc make under the US Constitution and how the Court rule?

Standing: Organic produce has standing because the Organic Act caused them to lose the customers in State X.

State Action: same as above.

Dormant Clause:

Organic Produce is a wholesaler in State Y. The State X has important state interest to keep their soil organic. Organic Produce is simply selling the organic strawberries produced by A & L. The Organic law does not meet their goal to ban Organic Produces. Moreover, there is reasonable alternative way to achieve State X's goal. Let Organic Produces to label clearly "organic products" and describe what the products are made and what fertilizers are used.

Therefore, the court rule for Organic Produce inc.

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END OF EXAM