

THE UNIVERSITY OF CHICAGO LAW REVIEW

VOLUME 4

JUNE 1937

NUMBER 4

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NOTES

UNCONSTITUTIONALITY AND FREE TRADE IN THREE FEDERAL SYSTEMS

The notion of "states' rights" as an antidote for the threat of government is by no means peculiar to the politics of the United States. In the past few years, significant constitutional questions have arisen in the three major federal systems, the United States, Canada, and Australia, in connection with federal legislation attempting to deal with national economic problems. In all three systems important federal acts have been invalidated by the courts of last resort on grounds connected with the limits *inter se* of the powers of the federal and state governments. As a result of this development in the United States, various groups are now seeking a redistribution of federal and state powers, either by effecting a change in the policy of the judiciary,¹ by further attempts

¹ Such a plan would attempt to secure the overruling of such cases as *Hammer v. Dagenhart*, 247 U.S. 251 (1918), *Bailey v. Drexel Furniture Co.*, 259 U.S. 20 (1922), and *United States v. Butler*, 297 U.S. 1 (1936), which established the doctrine of an implied prohibition against indirect influence upon the internal policies of states through the exercise of existing federal powers. Cf. *Victoria v. Commonwealth of Australia*, 28 C.L.R. 399 (1926) (federal govern-