

Constitutional Law Exam 7

Fact Pattern:

The Environmental Protection Agency (EPA), a federal agency, issued an emissions policy statement finding that while on the whole, motorcycle emissions are lower than automobile emissions, motorcycle emissions need to be tightened even further. The EPA then implemented regulations requiring motorcycle emissions be decreased by 60 percent. In a statement, the head of the EPA said, "These new rules significantly advance pollution standards for motorcycles. The public will benefit."

The Crazy County located within the State of Confusion subsequently enacted an ordinance prohibiting the use of any vehicle, cars, trucks, etc. on its roads that do not reduce their emissions to the new motorcycle emissions standard. The Crazy County Highway Department (Highway Department) enforces the statute. The American Muscle Car Association (AMCA) is an association comprised of automobile motorists residing throughout the United States.

The AMCA is dedicated to preserving the American Muscle cars of the 50's, 60's, and 70's. The AMCA's website (www.musclecarnationals.com) states that, "The American Muscle Car Association is a place where ALL muscle car enthusiasts are able to gather and be a part of the 'One Voice' of the hobby. One voice comprised of thousands of individuals to help fight clunker laws, and needless legislation that threatens our hobby. One place where ALL clubs and individuals can enjoy access to publications, events, links, classified advertisements, or restoration and performance tips for their favorite American Muscle Car of the '50s, '60s, and '70s."

AMCA has received numerous complaints about the Crazy County statute from its members who drive muscle cars there. AMCA members state that the cost of complying with the new emissions standards on their muscle cars is not only prohibitive but it dampens the roar of a truly fine muscle cars. AMCA members also complain that many of their cars will simply not be able to comply and will no longer be able to be driven in Crazy County.

AMCA has filed suit against the Highway Department in federal district court in the State of Confusion, seeking a declaration that the State of Confusion statute is invalid under the Commerce Clause and the Supremacy Clause of the United States Constitution. The Highway Department has moved to dismiss AMCA's complaint on the ground that AMCA lacks standing.

Please discuss.

Example Answer

Standing

Does the AMCA have standing to bring these claims?

An organization may bring suit on behalf of its members if it can establish the following: (a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit

Member's Standing

Do the members have an injury in fact for standing themselves?

Courts are only empowered to hear cases involving real controversies, and a plaintiff has standing to bring a case only if he or she suffers, or will imminently suffer, an injury in fact that may be remedied by the court's action. In order to establish an injury where a statute is challenged based on its unconstitutionality, either the statute must have been enforced against someone or the failure to rule the statute invalid before enforcement must work an extreme hardship to the complaining individual.

Here, there is no evidence that the statute has been enforced against any of the AMCA members as the facts do not indicate that the Highway Department has enforced the statute against any of the AMCA members. The facts do state that AMCA has received numerous complaints about the statute from State of Confusion members. In order to obtain judicial review, the AMCA must show that its members are going to be put to an extreme hardship if the statute were to be enforced. Here, requiring that all automobiles -- even classic muscle cars from the 1950's -- to comply with motorcycle emissions is quite harsh. The members have indicated that many of their cars simply will not be able to comply with the new standard and will not be able to be driven in the State of Confusion. While the court may find that this case is not ripe for review, the hardship that the members will suffer probably rises to the level of extreme hardship justifying a ruling by the court.

There has been an injury in fact against the organization's members.

Injury related to the Organization's Purpose

Is the injury related to the organization's purpose?

If the court does find the members of AMCA have suffered an injury, AMCA must next establish that this injury is related to the purpose of the organization. Here,

the injury would be that the drivers are forced to make costly additions to their cars and some cars will simply not be able to be driven in the State of Confusion as they will never be able to meet the emissions standards. The stated purpose of the AMCA is to “help fight clunker laws, and needless legislation that threatens our hobby. “ AMCA will easily be able to show that this statute threatens the muscle car hobby of their owners as some cars will be un-drivable if this statute is allowed to stand. This statute goes to one of the cores of AMCA’s purpose.

The injury in fact is related to the organization’s purpose.

Presence of Individual Members

Can the court grant relief without the presence of AMCA’s individual members?

AMCA must show that the court can grant relief to remedy the injury suffered by its members without any individual members participating in the lawsuit. Here, the relief AMCA is seeking is a declaration that the statute is invalid. If the statute is declared invalid, the relief which AMCA seeks would be complete and would remedy the injury to AMCA members. Unlike a lawsuit requesting monetary damages or some other relief, a lawsuit requesting that a statute be declared invalid would not require the presence of individual members as the relief sought is general and not specific to any particular member.

The court can grant relief to the AMCA without the presence of any of AMCA’s individual members.

11th Amendment Challenge

Can the Highway Department challenge this statute based on the 11th Amendment to the Constitution?

The 11th Amendment prohibits cases in federal courts against the states. Here, AMCA is bringing an action against the Crazy County Highway Department in the federal court. Suits against counties or their departments are not banned by the 11th amendment, just suits against the states themselves.

It is unlikely that the Highway Department can challenge this statute based on the 11th Amendment to the Constitution.

Standing Conclusion

The court will most likely find that AMCA does have standing to bring this lawsuit as the AMCA members have suffered an injury in fact, enforcement of the statute would bring about extreme hardship on the AMCA members, the injury is related to the purpose of the AMCA and the court can grant relief without the presence of any AMCA members.

Commerce Clause Preemption

Has the EPA preempted Crazy County's legislation?

Where the federal government preempts a field, the state may not regulate it. Preemption can take place either expressly by the Legislature stating so in a statute, by the pervasive presence of the federal government in the certain field, or by a federal statute which conflicts with a state statute directly or indirectly. There is no evidence that the EPA intended to preempt the field of emissions standards legislation. In the statute, they state that its purpose was to help America's health and the environment. There is no express preemption of the field. The regulation by the federal government in this area does not seem to be so pervasive so as to imply that the federal government has preempted the field. This statute appears from the facts to be the only statute related to emissions of motorcycles and nothing more.

The EPA has not preempted Crazy County's legislation.

Dormant Commerce Clause/Negative Implications of the Commerce Clause

Does the dormant Commerce Clause/ negative implications of the Commerce Clause prevent Crazy County from enacting this legislation?

A state or county may not regulate interstate commerce in a way that is discriminatory against interstate commerce or in a way that unduly burdens interstate commerce. Here, the statute does discriminate against interstate commerce. The statute prohibits all drivers from using cars which do not meet strict emissions control standards. Any car or truck which does not meet the standards is prohibited from driving on the roads in Crazy County. Transportation buses, shipments of goods and other activities of commerce could be severely impacted by Crazy County's ordinance. The AMCA will easily be able to show that the regulation places an undue burden on interstate commerce.

While the emissions standards of Crazy County do serve an important interest, namely the health of its citizens, the interest is also directly economic. Because of the potentially huge economic interest and the burden on interstate commerce in general, the interest of Crazy County in protecting the health of its citizens will be outweighed by the commercial impact of the statute.

The dormant commerce clause would prevent Crazy County from enacting this legislation.

Supremacy Clause

Does the Crazy County ordinance violate the Supremacy Clause?

The statutes, treaties, and Constitution of the United States are supreme. Where a state law conflicts with either federal statutes, regulations, or the federal Constitution, the state law is invalid. In order for AMCA to prove that the state law violates the Supremacy clause, it must show that the Crazy County ordinance either directly conflicts with the federal law, or frustrates or impedes the objectives and purposes of the federal law.

Here, the Crazy County ordinance presumably regulates cars and trucks more strictly than the EPA standards. A state or county may regulate more extensively than a federal statute so long as this does not frustrate the objective of the federal statute. A state may not, however, pass a law that excludes conduct that is included in a federal law. Here, the State of Confusion law does not expressly conflict with the federal statute nor does it impede or frustrate the objective of the federal statute. The federal statute objective and the state statute objective are the same- both statutes aim to help people's health. The Crazy County ordinance only restricts emissions more than EPA standards.

The Crazy County Ordinance will not be invalid under the Supremacy Clause. It neither expressly contradicts nor frustrates or impedes the purposes of the federal statute.