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1. Majority Opinion: Minimum Wage Law Is a Violation of Liberty of Contract
   George Sutherland
   In Adkins v. Children’s Hospital, the Supreme Court invalidated the minimum wage law as a violation of the liberty of contract guaranteed by the due process clause of the Fifth Amendment.

2. Dissenting Opinion: Lawmakers Can and Do Place Restraints on Contracts
   William Howard Taft
   In a forceful dissent, chief justice William Howard Taft asserts that lawmakers could limit the freedom of contract under the police power to regulate the maximum hours or minimum wages of women.

3. The Adkins Ruling Was Based on the Justices’ Personal Views Rather than on Constitutionality
   Thomas Reed Powell
   A legal scholar takes issue with the decision in Adkins because, he says, it relies on the personal views of the judges as to the undesirability of minimum wage legislation, rather than finding a clear answer in the Constitution.

4. Adkins Addressed the Constitutionality of the Inequality of Women
   Joan G. Zimmerman
   A professor at Harvard Law School argues that Adkins ushered in a new era in the women’s movement by recasting women’s claims to equality in terms of constitutional rights.
5. The *Adkins* Decision Was Not Based on Personal Prejudice

*Hadley Arkes*

A conservative political scientist and professor of jurisprudence offers an analysis of *Adkins* that is supportive of the decision and its author, arguing that Sutherland did not base his decision on his support of business interests but of the principle of free enterprise.

**Chapter 2: Upholding the Constitutionality of Minimum Wage Legislation**

Case Overview: *West Coast Hotel Co. v. Parrish* (1937)


*Charles Evans Hughes*

In *West Coast Hotel Co. v. Parrish*, the Supreme Court overturned the 1923 *Adkins* decision, ruling that the concept of freedom of contract was not unlimited and states could impose minimum wage laws on private companies without violating the Constitution’s Fourteenth Amendment.

2. Dissenting Opinion: Constitutional Decisions Should Not Be Overturned Because of Historical Circumstances

*George Sutherland*

In his dissent, Justice Sutherland insisted that the Constitution does not change because of events alone (referring to the Great Depression) and adhered to the perspective in *Adkins* that freedom of contract is the rule with few exceptions.
3. In Overturning Adkins the Supreme Court Switched from Opposing to Supporting the New Deal

*John W. Chambers*

A professor of history considers why Justice Roberts changed his position and upheld minimum wage law in the *Parrish* case after voting to invalidate New York minimum wage law ten months earlier.

4. *Parrish*’s Support of New Deal Policies Obviated FDR’s “Court-Packing” Plan

*William E. Leuchtenburg*

A historian and author of six books on Franklin Delano Roosevelt (FDR) and his era explains the effect of the *Parrish* decision on the history of the U.S. Supreme Court, specifically how it brought about one of the bitterest clashes between the judiciary and the executive after FDR sought to appoint more justices who would uphold the constitutionality of the New Deal.

**Chapter 3: Denying Fair Labor Standards and Upholding States’ Rights**


1. Majority Opinion: Federal Minimum Wage Requirements Violate States’ Sovereignty

*William Rehnquist*

In *National League of Cities v. Usery*, the Supreme Court concluded that extending minimum wage provisions of the Fair Labor Standards Act to state and municipal employees infringed on states’ sovereignty in violation of the Tenth Amendment.

2. Dissenting Opinion: The Court’s Decision Is a Blow to Congressional Power

*William J. Brennan Jr.*

In his dissent, Justice Brennan disputes the validity of the majority’s state sovereignty argument, claiming that states are protected in the federal system through their representation in Congress.
3. National League of Cities Does Not Restrict Personal Rights

Laurence H. Tribe

A professor of constitutional law argues that in National League of Cities the Court did not move to restrict personal rights but rather reflected the view that states must have the leeway to afford basic governmental services that affirm such rights.

4. State Sovereignty Is Not an Abstraction

Frank I. Michelman

A law school professor analyzes Justice Brennan's impassioned dissent and his attack on the Court's state sovereignty notion, arguing that the justice is mistaken when he claims that it is an abstraction with no substance.

5. Individuals’ Rights Do Not Override the Structural Principle of Federalism

Robert F. Nagel

A professor of constitutional law contends that legal scholars mistakenly focus on individual rights in their arguments instead of concern for constitutional structure.

Chapter 4: Federalizing the Minimum Wage

Case Overview: Garcia v. San Antonio Metropolitan Transit Authority (1985)

1. Majority Opinion: State Employers Are Bound by Federal Legislation

Harry Blackmun

In Garcia v. San Antonio Metropolitan Transit Authority, the court found that state and local employers are constitutionally bound to follow the federal Fair Labor Standards Act’s guidelines in paying their employees, thus overruling National League of Cities v. Usery (1976).
2. Dissenting Opinion: The Court Has Abandoned Federalism 180
   Lewis F. Powell Jr.
   In his dissenting opinion Justice Powell argues that the majority had abandoned the federalism envisioned by the framers, leaving the states' role to “the grace of elected federal officials.”

   S. Kenneth Howard
   An executive director of the U.S. Advisory Commission on Intergovernmental Relations examines the immediate consequences of Garcia for state and local governments and considers the long-term implications of the decision for American federalism, arguing that it runs counter to the Constitution’s call for a balance of power between the states and the national government.

4. The Court Ignored the Constitution’s Institutional Arrangements for Political Convenience 196
   A.E. Dick Howard
   A law professor holds that the majority in Garcia turned its back on the federalism enshrined in the Constitution, which ensures limited government power and protects individual rights.

5. Granting Overtime Pay Does Not Destroy State Sovereignty 209
   Gary Steven Wigodsky
   A lawyer examines the dissenting views in Garcia and concludes the justices’ criticisms were based on a historical view of state sovereignty.

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