



## Philadelphia v. State of New Jersey, 1978

Americans take for granted the right to unrestricted travel

from one state to another. If we make a purchase outside our home state, we know we can transport it home without paying a duty or fee. Are there any limits to traffic among the states? The case of *City of Philadelphia v. State of New Jersey* addressed this question.



Landfill in New Jersey

### Background of the Case

The disposal of solid and liquid wastes is a problem in urban areas. As the available sites for landfills continue to shrink, some metropolitan areas such as Philadelphia, Pennsylvania, have had to ship their wastes across state lines. In the early 1970s, the volume of waste being shipped into New Jersey was increasing rapidly. The state legislature believed that the treatment and disposal of wastes posed a threat to the quality of the environment in the state.

In 1973 the New Jersey legislature passed laws prohibiting the importation of solid or liquid waste that originated or was collected outside the territorial limits of the state. Operators of private landfills and several cities in other states with whom the collectors had contracts for waste disposal brought suit, attacking the New Jersey law as unconstitutional. They believed that it violated their right to ship materials across state lines under the commerce clause of the Constitution. The Supreme Court heard the case of *City of Philadelphia v. State of New Jersey* in 1978.

### The Constitutional Issue

In the United States, power is divided among the national government, the state governments, and the people. The Constitution gave the national government power to regulate interstate commerce—trade that crosses state lines. In the New Jersey case, the issue was whether liquid and solid wastes could be defined as interstate commerce according to the Constitution.

Throughout United States history the Supreme Court has expanded the definition of interstate commerce. One early case occurred in 1824. The Court decided in *Gibbons v. Ogden* that travel by ship on the Hudson River between New York and New Jersey was interstate commerce. In the 1930s the Court upheld the Wagner Act, a law that extended the meaning of interstate commerce by allowing Congress to regulate business and labor relations. The Court also applied a broad definition of commerce to uphold the Civil Rights Act of 1964, considering the issue of commerce, specifically restaurants, along interstate highways.

## Debating the Case

### Questions to Consider

1. What caused new legislation to be passed in New Jersey in 1973?
2. Why do waste haulers consider their shipments a form of commerce?
3. What national impact might a decision concerning New Jersey have?

### You Be the Judge

Many states are facing the same environmental and commerce issues that faced New Jersey. What could be a far-reaching result if the Court decided in favor of New Jersey? In favor of the landfill owners? In your opinion, does the commerce clause apply in this case? Why or why not?