Mr. Gorham Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

U.S. History II -Honors Block: \_\_\_\_\_\_\_\_\_\_\_

*Great Depression/The New Deal*

***Schechter Poultry v. United States***

**The Sick Chicken Case**

**Facts**. Joseph, Martin, Alex and Aaron were four Jewish-American brothers who owned and operated the A.L.A. Schechter Poultry Corporation and Live Poultry Market. Schechter Poultry was located in Brooklyn, NY. There, they slaughtered chickens purchased from farms in New York and Pennsylvania.

The brothers were Kosher butchers, so their chickens were slaughtered according to Jewish law. It was alleged that they had sold sick or “unfit” chickens (perhaps with tuberculosis). It was also alleged that they had unlawfully lowered the prices of some of their chickens.

For selling the “sick chicken(s)” and for under-cutting their prices, the Schechter brothers were charged under provisions of the **National Industrial Recovery Act**, specifically, the NIRA’s law against “unfair competition” (the NIRA had set minimum process for entire industries). The NIRA was passed by Congress, but it included the Live Poultry Code, which was added by the Roosevelt Administration. The Schechter brothers were charged under the Live Poultry Code covering interstate commerce of live poultry. In federal court, the brothers were fined over $7,000 and sentenced to short prison terms. The brothers appealed to the U.S. Supreme Court.

*Schechter Poultry Corp. v. United States* came before the Supreme Court on Thursday, May 2, 1935.

**Legal Issues**.

* **Article I, Section 1** of *The Constitution of the United States*. All legislative (law-making) powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
* **Article I, Section 8, Clause 3** of the U.S. Constitution: Congress has the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.”
* **Tenth Amendment** to the U.S. Constitution: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

**Questions**:

1. Why did the NIRA want to prevent price-cutting by merchants of agricultural products?
2. What are the three branches of government, and which branch has the sole power to regulate interstate commerce?
3. Are the Schecters engaged in interstate commerce?
4. Which branch has the sole responsibility to make the laws?
5. Which branch made the Live Poultry Code laws?

**Ruling**. Applying the facts to the law, do you rule in favor of FDR & the New Deal or do you rule in favor of the Schechter brothers?

Describe your reasoning: