

CONTROLLING LEGAL PRINCIPLES

Free Exercise Clause Decision – The “Contemplation of Justice”
Carter v. Carter Coal Co., 298 U.S. 238 (1936)



“The Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible.”

“The Constitution grants to Congress no general power to regulate for the promotion of the general welfare.” P. 298 U. S. 289.

Whether the end sought to be attained by an Act of Congress is legitimate is wholly a matter of constitutional power, and not

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at all of legislative discretion. Beneficent aims, however great or well directed, can never serve in lieu of power. P. 298 U. S. 290.

To a constitutional end, many ways are open; but to an end not within the terms of the Constitution, all ways are closed. P. 298 U. S. 291.

Those who framed and those who adopted the Constitution meant to carve from the general mass of legislative powers then possessed by the States only such portions as it was thought wise to confer upon the federal government, and, in order that there should be no uncertainty as to what was taken and what was left, the national powers of legislation were not aggregated, but enumerated -- with the result that what was not embraced by the enumeration remained vested in the States without change or impairment. P. 298 U. S. 294.

Where irreparable injury from unconstitutional legislation is certain and imminent, suit for an injunction need not be deferred until injury has been actually inflicted. P. 298 U. S. 287.