

Chief Justice Marshall's Court & Cases

United States v. Comstock

Argued: January 12, 2010

Decided: May 17, 2010

Facts of the case

Convicted sex offenders moved to dismiss petitions requesting their indefinite civil commitment under the Adam Walsh Child Protection and Safety Act. A North Carolina federal district court dismissed the petitions. On appeal, the U.S. Court of Appeals for the Fourth Circuit affirmed. It held that the Protection and Safety Act exceeded the scope of Congress' authority when it enacted a law that could confine a person solely because of "sexual dangerousness," and the government need not even allege that this "dangerousness" violated any federal law.

Question

Did Congress have the constitutional authority to enact the Adam Walsh Protection and Safety Act?

Conclusion

7-2 Decision for the United States

Yes. The Supreme Court held that the Necessary and Proper Clause grants Congress authority sufficient to enact the Adam Walsh Protection and Safety Act. With Justice Stephen G. Breyer writing for the majority, the Court pointed to five considerations that compelled its holding. (1) the Necessary and Proper Clause grants broad authority. (2) The Court recognized that

Congress has long delivered mental health care to federal prisoners. (3) Congress had good reason to pass the statute as it has the power to protect nearby communities from the danger prisoners may pose. (4) The Tenth Amendment does not reserve a zone of authority to the states in this context. (5) The Court recognized that the statute was narrow in scope and did not confer on Congress a general police power which is reserved to the states.

Justice Anthony M. Kennedy wrote separately, concurring in the judgment. He maintained that authority under the Necessary and Proper Clause is dependent upon the "strength of the chain" from Congressional action and its enumerated power, not on the number of "links in the chain." Justice Samuel A. Alito also wrote separately, concurring in the judgment. He cautioned that the majority opinion should not be construed as granting an unlimited ability by Congress to extend its power.

Justice Clarence Thomas, joined in part by Justice Antonin G. Scalia, dissented. Justice Thomas argued that the Necessary and Proper Clause empowers Congress only to enact laws that carry into execution one or more enumerated powers. Here, he argued that the Adam Walsh Protection and Safety Act did not carry into execution an enumerated power.

■ "*United States v. Comstock.*" Oyez, 17 Jul. 2018 <https://goo.gl/CPzkjD>