

Case Brief

Con Law, Commerce Clause

3/7/15, Carlson

Identity of Case

Gibbons v. Ogden, 1824

Page 183 of the casebook

Summary of Facts/Procedural History

The state of NY attempted to monopolize the operation of steam boats shipping in its state by requiring a state license, and giving the license solely to Ogdens and his designees. Gibbons had a federal license to operate steamboats in the coasting trade (driving people, not goods). NY attempted to prevent his operation, Gibbons sued on the grounds of his federal license.

Statement of the Issue

Is the power to grant steamboat licenses within the commerce clause powers of Congress? And if yes, does a state have the power to prevent the operation of federal licensed steamboats in its water?

Holding

The power to regulate navigation is encompassed by the commerce clause, and therefore the state cannot deny federal licenses/require state licenses.

Reasoning

The power itself: the ability to proscribe the rule by which commerce is to be governed, plenary, complete in and of itself, and subject to no limitations beyond those encompassed in the constitution.

Among the states: affecting two or more states.

Commerce: the word has always been understood to encompass navigation, and if it did not the commerce power would be useless, because the majority of commerce (at this time) takes place on boats.

Some of NY's arguments:

1. If navigation is within the commerce clause, the power to regulate it should be limited to movements between states, not within states. (there is no between states, so that won't go anywhere)
2. If you must regulate the trip from point a in New Jersey to point b in New York, at least don't regulate Point B to Point C in New York (this is accepted as the rule for now, until the Daniel Ball).

Evaluation

The instruments of interstate commerce, i.e. the vehicles that affect that transportation, are subject to regulation when they travel interstate.