

## Gibbons v Ogden

### 22 U. S. (9 Wheat.) 1824

The New York Legislature in 1808 granted Robert Livingston and Robert Fulton a twenty year monopoly to operate steamboats in New York waters. In 1811 Fulton in turn granted Aaron Ogden a license to operate steamboats between New York and New Jersey. In 1818 the U. S. Congress, using the power given it by the commerce clause of Article I, Section 8 of the Constitution, granted Thomas Gibbons a license to engage in the coastal trade and operate steamboats between New York and New Jersey. Claiming that his monopoly rights were being violated, Ogden obtained an injunction from a New York court forbidding Gibbons from continuing to operate his steamboats in these waters. After obtaining the services of Daniel Webster as his lawyer, Gibbons appealed to the U. S. Supreme Court. For five days in 1824, the Court, presided over by Chief Justice John Marshall, heard arguments in the case.

### Decision

Speaking through Chief Justice John Marshall, the Court unanimously ruled in Gibbons' favor and in so doing broadly interpreted Congress' power under the commerce clause. Marshall began his opinion for the Court by rejecting the argument that the powers given Congress by the Constitution should be interpreted strictly. Next, he turned his attention to the meaning of the word "commerce." Ogden's attorney had attempted to limit it only to "traffic, to buying and selling, or the interchange of commodities" and had argued that it did not include navigation. Marshall responded as follows: "Commerce, undoubtedly, is traffic, but it is something more...all America understands, and has uniformly understood, the word „commerce“ to comprehend navigation. It was so understood, and must have been so understood, when the Constitution was framed."

Marshall then addressed the meaning of the word "among" in the commerce clause: "The word „among“ means intermingled with. A thing which is among others, is intermingled with them. Commerce among the states cannot stop at the external boundary line of each state, but may be introduced into the interior. ... Comprehensive as the word „among“ is, it may very properly be restricted to that commerce which concerns more states than one."

Next, speaking of what Congress' power under the commerce clause actually is, Marshall and the Court interpreted Congress' power as broadly as it can be interpreted when he wrote: "It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. **This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution.**"

The last question which the Court had to answer, Marshall writes, is: "Can a state regulate commerce with foreign nations and among the states, while Congress is regulating it?" He notes that it had been argued that if a state law came "into conflict with a law passed by Congress in pursuance of the Constitution, they affect the subject, and each other, like equal opposing powers." To that argument, Marshall responds: "But the framers of our Constitution foresaw this state of things, and provided for it, by declaring the supremacy not only of itself, but of the laws made in pursuance of it. ... In every such case, the act of Congress, or the treaty, is supreme; and the law of the state, though enacted in the exercise of powers not controverted, must yield to it."

## **SUPREME COURT: CASE STUDY WORKSHEET**

1. **WHAT ARE THE FACTS OF THE CASE?** What happened in this case? Who were the people/organizations involved? How did the lower courts rule on this case? (Note: This would be if the case was on appellate review)

2. **CONSTITUTIONAL QUESTION:**  
What is the constitutional question?

What specific part of the Constitution/statute is involved?

3. **COURT'S DECISION AND REASONS**  
This is the court's answer the constitution/legal question.

Majority Opinion (a summary of the important points)

Dissenting Opinion, if given (a summary of the important points)

4. **EVALUATING THE DECISION AND PREDICTING THE IMPACT**  
What, if any, impact does this case have today?