

***Gibbons v. Ogden* / You Decide—Answer Key**

Directions:

1. Read the case summary of *Gibbons v. Ogden* (1824) focusing on the importance of the term “interstate commerce” and the Commerce Clause, which states that Congress has the power to regulate interstate commerce. However, according to the 10th Amendment, the 50 states have the right to control legal authority over matters directly impacting their individual states and intrastate commerce (trade within a state). Often, as in *Gibbons v. Ogden*, the federal (national) government and state governments conflict with each other.
 2. Read the factual situation of *Bibb v. Navajo Freight Lines* (1959), apply the precedent in *Gibbons v. Ogden*, and write a one paragraph opinion as if you were a Supreme Court justice explaining how you would rule and why.
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***Bibb v. Navajo Freight Lines* (1959)**

Background and Facts

The state of Illinois suffers from severe winter weather that can cause havoc on its roads and highways. It is also a state with several large metropolitan areas, including the city of Chicago, which is a major transportation hub. Because of the large amount of snow and ice that can impact the area, the state legislature decided it wanted to protect those drivers who found themselves driving behind or next to large trucks on fast moving highways that were often impacted with snow and ice. The large trucks would often “kick up” stones and gravel, along with ice and mud, that would then be sprayed across the road, often hitting the windshields of passenger cars and causing damage and risk of injury.

The state legislature passed a law, which was signed by the governor, requiring trucks that used its roads to have a special type of wheel flap (or “mud flap”), that would limit the debris kicked up by the tires of these trucks. A majority of U.S. states had similar legislation but used a differently designed “mud flap.” The state of Illinois threatened to ticket truck drivers using its roads who did not use its approved mud flap. Many truckers from across the nation became concerned that they would face tickets for using a differently designed “mud flap.” Some, including Navajo Freight Lines, brought suit against the state arguing that while the state had some legitimate concern, its laws were impacting interstate commerce, which, according to the Commerce Clause can only be regulated by Congress.

Issue

Did a law which required a specific type of rear mudguard on trucks and trailers operated on Illinois's state highways violate the Commerce Clause of the Constitution?

(For more background on this case see [Bibb v. Navajo Freight Lines \(1959\)](#).)

If you were a Supreme Court justice, how you would rule and why?

Student answers will vary. The Supreme Court's decision was a victory for those seeking to increase the power of Congress and the Federal Government to control the economy at the expense of traditional state power. While the Court recognized that safety was an important factor for states to consider, the need to avoid any interference with the economy, and interstate commerce, would normally be considered more important unless the safety concern was compelling. In this case the court saw the safety issue being addressed by the mud flaps as "slight" and thus the federal government's role in interstate commerce was seen as more important.